

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2756

By: Kirby and Walker of the  
House

4 and

5 David of the Senate

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7  
8 An Act relating to intoxicating liquors; creating a  
9 direct shipper's permit; permitting shipment of  
10 certain wines to certain individuals under certain  
11 conditions; authorizing the promulgation of rules  
12 related to such permits; requiring certain  
13 compliances by permit holders; prohibiting certain  
14 acts by permit holders; providing for codification;  
15 and providing an effective date.

16 AMENDMENT NO. 1. Page 1, strike the title to read

17 "[ intoxicating liquors - direct shipper's permit -  
18 certain wines - codification - effective date ]"  
19 Passed the Senate the 20th day of April, 2016.

20 \_\_\_\_\_  
21 Presiding Officer of the Senate

22 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
23 2016.

24 \_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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9 direct shipper's permit; permitting shipment of  
10 certain wines to certain individuals under certain  
11 conditions; authorizing the promulgation of rules  
12 related to such permits; requiring certain  
13 compliances by permit holders; prohibiting certain  
14 acts by permit holders; providing for codification;  
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 521.4 of Title 37, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. A direct shipper's permit may be issued by the Oklahoma  
21 Alcoholic Beverage Laws Enforcement Commission to a winery licensed  
22 in this or any other state as a wine producer, supplier, importer,  
23 wholesaler, distributor or retailer. A direct shipper's permit  
24 allows a winery to ship up to twenty-four nine-liter cases of wine  
annually directly to an Oklahoma resident over the age of twenty-one  
(21) years for such resident's personal use and not for resale.

1 B. The Alcoholic Beverage Laws Enforcement Commission shall  
2 promulgate rules governing the application, issuance and renewal of  
3 a direct shipper's permits, which shall include but not be limited  
4 to:

5 1. Proof of current licensure in this or any other state as a  
6 wine producer, supplier, importer, wholesaler, distributor or  
7 retailer; and

8 2. Payment of a one-hundred-dollar registration fee for  
9 original permits and a fifty-dollar fee for renewal permits.

10 C. With regard to shipments permitted by this section, permit  
11 holders:

12 1. Shall not ship more than twenty-four nine-liter cases of  
13 wine annually to any person for their personal use;

14 2. Shall not ship wine intended for resale;

15 3. Shall ensure that all containers of wine shipped directly to  
16 a resident in this state are conspicuously labeled with the words  
17 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR  
18 DELIVERY.";

19 4. Shall report to the Oklahoma Alcoholic Beverage Laws  
20 Enforcement Commission annually, by a method prescribed by the  
21 Commission, the total amount of wine shipped into the state the  
22 preceding calendar year;

23 5. Shall annually pay to the Oklahoma Tax Commission all  
24 applicable taxes due on sales authorized by this section to Oklahoma

1 residents in the preceding calendar year. The amount of such taxes  
2 shall be calculated as if the sale were in Oklahoma at the location  
3 where delivery is made. Upon request the permit holder shall permit  
4 the Commission to perform an audit of the permit holder's records in  
5 order to ensure compliance; and

6 6. Shall be deemed to have consented to the jurisdiction of any  
7 agency or court of the State of Oklahoma tasked with the  
8 adjudication of controversies related to this section or enforcement  
9 of any related laws, rules or regulations.

10 SECTION 2. The provisions of this act shall become effective  
11 upon the date as of which the amendment to Section 3 of Article  
12 XXVIII of the Constitution of the State of Oklahoma as contained in  
13 House Joint Resolution 1002 of the 55th Oklahoma Legislature is  
14 approved by the people.

15 Passed the House of Representatives the 7th day of March, 2016.

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\_\_\_\_\_  
18 Presiding Officer of the House  
of Representatives

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20 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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23 Presiding Officer of the Senate

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