ENGROSSED HOUSE
BILL NO. 2756 By: Kirby and Walker of the House

and

David of the Senate

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

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

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

A. A direct shipper's permit may be issued by the Oklahoma Alcoholic Beverage Laws Enforcement Commission to a winery licensed in this or any other state as a wine producer, supplier, importer, wholesaler, distributor or retailer. A direct shipper's permit 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.

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

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

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

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

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

2. Shall not ship wine intended for resale;

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

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

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

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

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

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

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

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate