

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE JOINT  
4 RESOLUTION 1005

By: Casey

5  
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State  
8 to refer to the people for their approval or  
9 rejection a proposed amendment to Section 3 of  
10 Article XXVIII of the Constitution of the State of  
11 Oklahoma; authorizing wineries to ship wine to  
12 certain consumers; providing ballot title; and  
13 directing filing.

14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
15 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

20 Section 3. A. The Legislature shall enact laws providing for  
21 the strict regulation, control, licensing, and taxation of the  
22 manufacture, sale, distribution, possession, and transportation of  
23 alcoholic beverages, consistent with the provisions of this  
24 Amendment. Provided, that any manufacturer, or subsidiary of any  
manufacturer, who markets his or her product solely through a

1 subsidiary or subsidiaries, a distiller, rectifier, bottler,  
2 winemaker, brewer, or importer of alcoholic beverages, bottled or  
3 made in a foreign country, either within or without this state,  
4 shall be required to sell such brands or kinds of alcoholic  
5 beverages to every licensed wholesale distributor who desires to  
6 purchase the same, on the same price basis and without  
7 discrimination, and shall further be required to sell such beverages  
8 only to those distributors licensed as wholesale distributors.

9 Winemakers either within or without this state shall be required to  
10 sell wine they produce to every licensed wholesale distributor who  
11 desires to purchase the wine, but winemakers shall not be required  
12 to sell the wine they produce only to licensed wholesale  
13 distributors. Winemakers either within or without this state may  
14 sell wine produced at the winery to adult consumers who are at least  
15 twenty-one (21) years of age and are physically present on the  
16 premises of the winery or at a festival or trade show. Wineries  
17 either within or without this state that are licensed by the  
18 Oklahoma Alcoholic Beverage Laws Enforcement Commission may receive  
19 orders for, sell and ship wine directly to consumers over the age of  
20 twenty-one (21) years either within or without this state.

21 Winemakers either within or without this state that annually produce  
22 no more than ten thousand (10,000) gallons of wine may sell and ship  
23 only the wine they produce directly to licensed retail package  
24 stores and restaurants in this state; provided, however, that any

1 such winemaker which elects to directly sell its wine to package  
2 stores and restaurants shall not also use a licensed wholesale  
3 distributor as a means of distribution, and shall be required to  
4 sell its wines to every package store and restaurant licensee who  
5 desires to purchase the same, as supplies allow, on the same price  
6 basis and without discrimination. As used in this section,  
7 "restaurant" means an establishment that is licensed to sell  
8 alcoholic beverages by the individual drink for on-premises  
9 consumption and where food is prepared and sold for immediate  
10 consumption on the premises.

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

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

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

4 BALLOT TITLE

5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends Section 3 of Article 28 of the State  
8 Constitution. It would allow wine to be shipped by wineries  
9 directly to consumers. The individuals shipping the wine would  
10 need a license.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES \_\_\_\_\_

13 AGAINST THE PROPOSAL - NO \_\_\_\_\_

14 SECTION 3. The Chief Clerk of the House of Representatives,  
15 immediately after the passage of this resolution, shall prepare and  
16 file one copy thereof, including the Ballot Title set forth in  
17 SECTION 2 hereof, with the Secretary of State and one copy with the  
18 Attorney General.

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20 55-1-5340 JM 01/05/15  
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