

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE JOINT
RESOLUTION 46

By: Paddack

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 3 of Article XXVIII of the Oklahoma Constitution; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

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

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

8 Winemakers either within or without this state shall be required to
9 sell wine they produce to every licensed wholesale distributor who
10 desires to purchase the wine, but winemakers shall not be required
11 to sell the wine they produce only to licensed wholesale
12 distributors. Winemakers either within or without this state may
13 sell wine produced at the winery to adult consumers who are at least
14 twenty-one (21) years of age and are physically present on the
15 premises of the winery or at a festival or trade show. Winemakers
16 either within or without this state that annually produce no more
17 than ten thousand (10,000) gallons of wine may sell and ship only
18 the wine they produce directly to licensed retail package stores and
19 restaurants in this state; provided, however, that any such
20 winemaker which elects to directly sell its wine to package stores
21 and restaurants shall not also use a licensed wholesale distributor
22 as a means of distribution, and shall be required to sell its wines
23 to every package store and restaurant licensee who desires to
24 purchase the same, as supplies allow, on the same price basis and

1 without discrimination. As used in this section, "restaurant" means
2 an establishment that is licensed to sell alcoholic beverages by the
3 individual drink for on-premises consumption and where food is
4 prepared and sold for immediate consumption on the premises.

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

11 C. Any winemaker within or without this state may sell and ship
12 no more than two cases per year only of the wine they produce to an
13 individual consumer in this state who is at least twenty-one (21)
14 years of age and who elects to purchase such wine by a direct sale
15 through use of the telephone, mail order or Internet. All such
16 direct sales shall be subject to state and local taxes as provided
17 by law. The winemaker shall possess a direct-shipment license from
18 this state prior to any direct shipment to an individual consumer in
19 this state. All winemakers shall comply with the laws of this state
20 regulating sale and direct shipment of wine to individual consumers
21 in this state.

22 D. All laws passed by the Legislature under the authority of
23 the Article shall be consistent with this provision. All provisions
24 of this amendment are declared to be interdependent. If any

1 provision of this amendment applicable to winemakers is ruled to be
2 unconstitutional by a court of competent jurisdiction, then no
3 winemaker shall be permitted to directly sell its wine to retail
4 package stores ~~or~~, restaurants or individual consumers in this
5 state.

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

9 BALLOT TITLE

10 Legislative Referendum No. _____ State Question No. _____

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12 This measure amends Section 3 of Article 28 of the State
13 Constitution. This proposal allows for all winemakers to ship
14 the wine they produce directly to individual consumers in this
15 state. The sale may be made by telephone, mail order or
16 Internet. Winemakers must comply with all laws of this state to
17 ship wine. Winemakers must have a license to ship wine to
18 individual consumers in this state.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES _____

21 AGAINST THE PROPOSAL - NO _____

22 SECTION 3. The President Pro Tempore of the Senate shall,
23 immediately after the passage of this resolution, prepare and file
24 one copy thereof, including the Ballot Title set forth in SECTION 2

1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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