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February 19, 2014

AS AMENDED

SENATE JOINT
RESOLUTION NO. 55

By: Schulz of the Senate

and

DeWitt of the House

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[ proposed amendment Oklahoma Constitution - wineries
- ballot title - filing ]
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BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 54TH 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 Constitution of the State of Oklahoma 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, winemaker, brewer, or importer of alcoholic beverages, bottled or

1 made in a foreign country, either within or without this state,
2 shall be required to sell such brands or kinds of alcoholic
3 beverages to every licensed wholesale distributor who desires to
4 purchase the same, on the same price basis and without
5 discrimination, and shall further be required to sell such beverages
6 only to those distributors licensed as wholesale distributors.
7 Winemakers either within or without this state shall be required to
8 sell wine they produce to every licensed wholesale distributor who
9 desires to purchase the wine, but winemakers shall not be required
10 to sell the wine they produce only to licensed wholesale
11 distributors. Winemakers either within or without this state may
12 sell wine produced at the winery to adult consumers who are at least
13 twenty-one (21) years of age and are physically present on the
14 premises of the winery or at a festival or trade show. Wineries
15 either within or outside of this state that are licensed by the
16 Oklahoma Alcoholic Beverage Laws Enforcement Commission may receive
17 orders for, sell and ship wine directly to consumers over the age of
18 twenty-one (21) years either within or outside of this state who
19 have visited the winery in person. Winemakers either within or
20 without this state that annually produce no more than ten thousand
21 (10,000) gallons of wine may sell and ship only the wine they
22 produce directly to licensed retail package stores and restaurants
23 in this state; provided, however, that any such winemaker which
24 elects to directly sell its wine to package stores and restaurants

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

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

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

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 3 of Article 28 of the State Constitution. It would allow wine to be shipped by wineries directly to consumers who have visited the winery. The individuals shipping the wine would need a license.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

COMMITTEE REPORT BY: COMMITTEE ON RULES
February 19, 2014 - DO PASS AS AMENDED