

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE JOINT
RESOLUTION 55

By: Schulz

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; authorizing wineries to ship wine to certain consumers; providing ballot title; and directing filing.

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

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 outside of 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 outside of this state who
21 have visited the winery in person. Winemakers either within or
22 without this state that annually produce no more than ten thousand
23 (10,000) gallons of wine may sell and ship only the wine they
24 produce directly to licensed retail package stores and restaurants

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

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL — YES _____

13 AGAINST THE PROPOSAL — NO _____

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

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