

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1338 _____
Of the printed Bill
Page 1 Section _____ Lines _____
Of the Engrossed Bill

By restoring the title;

And on page 1, section 1, line 11 by deleting sections 1, 2, and 3 in their entirety and replacing them with the following language and renumbering subsequent sections:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Marcus McEntire

Adopted: _____

Reading Clerk

1 "SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.
2 2016, as amended by Section 1, Chapter 84, O.S.L. 2017 (37A O.S.
3 Supp. 2017, Section 2-102), is amended to read as follows:

4 Section 2-102. A. A brewer license shall authorize the holder
5 thereof:

6 1. To manufacture, bottle, package and store beer on the
7 licensed premises; and

8 2. To sell beer in this state to holders of beer distributor
9 licenses and to sell beer out of this state to qualified persons.

10 B. A small brewer license shall authorize the holder thereof:

11 1. To manufacture, bottle, package and store beer produced by
12 the licensee on licensed premises;

13 2. To sell beer in this state to holders of beer distributor
14 licenses and retail licenses or to sell beer out of this state to
15 qualified persons;

16 3. To serve free samples of beer produced by the licensee to
17 visitors twenty-one (21) years of age or older;

18 4. To sell beer produced by the licensee for either on-premises
19 or off-premises consumption to consumers on the brewery premises, or
20 on premises located contiguous thereto; ~~and~~

21 5. To sell beer at public events such as trade shows or
22 festivals;

23 6. To purchase wine in retail containers from the holder of a
24 wholesaler license or as specifically provided by law; and

1 7. To sell, offer for sale and possess wine for on-premises
2 consumption.

3 C. Nothing in this act shall prohibit the holder of a small
4 brewer license from also holding or owning an interest in the holder
5 of a brewpub license.

6 D. For purposes of this section, no visitor may sample more
7 than a total of twelve (12) fluid ounces of beer per day. The
8 brewer must restrict the distribution and consumption of beer
9 samples to an area within the licensed premises designated by the
10 brewer. A current floor plan that includes the designated sampling
11 area must be on file with the ABLE Commission. No visitor under
12 twenty-one (21) years of age shall be permitted to enter this
13 designated sampling area when samples are being distributed or
14 consumed. Samples of beer served by a brewery under this section
15 shall not be considered a sale of beer within the meaning of Article
16 XXVIII A of the Oklahoma Constitution or Section 1-103 of this title;
17 however, such samples of beer shall be considered beer removed or
18 withdrawn from the brewery for use or consumption within the meaning
19 of Section 5-110 of this title for excise tax determination and
20 reporting requirements. Sales and sampling may only occur between
21 the hours of 10:00 a.m. and 2:00 a.m.

22 E. A small brewer self-distribution license shall authorize
23 holders of a small brewer license to distribute beer produced only
24 by such licensee to a holder of a retail beer license, retail

1 spirits license, mixed beverage license, beer and wine license,
2 caterer's license, special event license, public event license,
3 charitable auction license or brewpub license. A small brewer shall
4 elect whether it will distribute through a distributor or self-
5 distribute in a subject territory; however, a small brewer may not
6 elect to do both simultaneously in a subject territory. The
7 election shall be made through notice to the ABLE Commission. Any
8 changes to the election shall require immediate notification to the
9 ABLE Commission before the change in election will take effect. A
10 small brewer that elects to self-distribute in multiple territories
11 shall only be required to have one small brewer self-distribution
12 license.

13 SECTION 2. AMENDATORY Section 16, Chapter 366, O.S.L.
14 2016, as amended by Section 2, Chapter 307, O.S.L. 2017 (37A O.S.
15 Supp. 2017, Section 2-104), is amended to read as follows:

16 Section 2-104. A winemaker license shall authorize the holder
17 thereof:

18 1. To manufacture (including such mixing, blending and cellar
19 treatment as authorized by federal law), bottle, package and store
20 on licensed premises wine containing not more than twenty-four
21 percent (24%) alcohol by volume, provided the bottle or package
22 sizes authorized shall be limited to the capacities approved by the
23 United States Alcohol and Tobacco Tax and Trade Bureau;

24

1 2. To sell wine in this state to licensed wholesalers and
2 manufacturers;

3 3. To sell wine produced at the winery from grapes and other
4 fruits and berries grown in this state, if available, for either on-
5 premises or off-premises consumption to consumers on the premises of
6 the winery;

7 4. To serve free samples of wine produced at the winery to
8 visitors twenty-one (21) years of age and older. For purposes of
9 this section, no visitor may sample more than a total of six (6)
10 fluid ounces of wine per day. The winery shall restrict the
11 distribution and consumption of wine samples to an area within the
12 licensed premises designated by the winery. A current floor plan
13 that includes the designated sampling area shall be on file with the
14 ABLE Commission. No visitor under twenty-one (21) years of age
15 shall be permitted to enter the designated sampling area when
16 samples are being distributed and consumed. Samples of wine served
17 by a winery under this section shall not be considered a sale of
18 wine within the meaning of Article XXVIII A of the Oklahoma
19 Constitution or Section 1-103 of this title; provided, such samples
20 of wine shall be considered removed or withdrawn from the winery for
21 use or consumption within the meaning of Section 5-110 of this title
22 for excise tax determination and reporting requirements;

23 5. To serve free samples of wine produced at the winery at
24 public events such as festivals and trade shows;

1 6. To sell wine produced at the winery, for either on-premises
2 or off-premises consumption at public events such as festivals and
3 trade shows;

4 7. To sell wine out of this state to qualified persons;

5 8. To purchase from licensed winemakers, distillers and
6 rectifiers in this state, and to import into this state wine, brandy
7 and fruit spirits for use in manufacturing in accordance with
8 federal laws and regulations; ~~and~~

9 9. To sell and serve Oklahoma-manufactured wine, mulled wine,
10 or spiced wine, mixed with nonalcoholic beverages or food items such
11 as water, sugar, fruits and vegetables, at any temperature for
12 either on-premises or off-premises consumption;

13 10. To purchase beer in retail containers from the holder of a
14 wholesaler, beer distributor, small brewer self-distributor or
15 brewpub self-distributor license or as specifically provided by law;
16 and

17 11. To sell, offer for sale and possess beer for on-premises
18 consumption."

19
20 56-2-10477 JBH 04/24/18
21
22
23
24