

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 297

By: Bice of the Senate

and

Mulready of the House

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10 An Act relating to alcoholic beverages; amending
11 Section 43, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
12 2016, Section 2-131), which relates to small farm
13 winery licenses; modifying acts authorized by small
14 farm winery license; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY Section 43, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2016, Section 2-131), is amended to read as
18 follows:

19 Section 2-131. A. A small farm winery license shall authorize
20 the holder thereof:

21 1. To manufacture and bottle wines produced by that small farm
22 winery; ~~and~~

23 2. To bottle and sell wines produced by another small farm
24 winery. In order for a small farm winery to bottle and sell another

1 small farm winery's products, both the selling winery and the buying
2 winery shall be small farm winery permit holders;

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

5 4. To sell wines produced by that small farm winery for either
6 on-premises or off-premises consumption to consumers on the small
7 farm winery premises, or premises located contiguous thereto;

8 5. To sell wine at public events such as trade shows or
9 festivals; and

10 6. To also hold a mixed beverage license, beer and wine license
11 or caterer's license.

12 B. A small farm wine may display the trademarked "Oklahoma
13 Grown" sticker available from the Oklahoma Grape Industry Council.

14 C. For purposes of subsection A of this section, no visitor may
15 sample more than a total of six (6) fluid ounces of wine per day.

16 The small farm winery shall restrict the distribution and
17 consumption of wine samples to an area within the licensed premises
18 designated by the small farm winery. A current floor plan that
19 includes the designated sampling area must be on file with the ABLE
20 Commission. No visitor under twenty-one (21) years of age shall be
21 permitted to enter this designated sampling area when samples are
22 being distributed or consumed. Samples of wine served by a small
23 farm winery under this section shall not be considered a sale of
24 wine within the meaning of Article XXVIII A of the Oklahoma

1 Constitution or Section 1-103 of this title; however, such samples
2 of wine shall be considered wine removed or withdrawn from the small
3 farm winery for use or consumption for excise tax determination and
4 reporting requirements.

5 SECTION 2. This act shall become effective October 1, 2018.

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7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
8 dated 04/12/2017 - DO PASS.
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