

1 **SENATE FLOOR VERSION**

2 February 23, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 646

5 By: Bice

6 **[alcoholic beverages - beer distribution - interim**
7 **licenses - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY Section 4, Chapter 366, O.S.L.
11 2016 (37A O.S. Supp. 2016, Section 1-104), is amended to read as
12 follows:

13 Section 1-104. A. The Alcoholic Beverage Laws Enforcement
14 Commission created in Section 1 of Article XXVIII of the Oklahoma
15 Constitution is hereby recreated. The purpose of the Commission
16 shall be to enforce the alcoholic beverage laws of the State, and
17 the Commission shall have such power and authority to enforce such
18 laws, rules and regulations as shall be prescribed by the Oklahoma
19 Alcoholic Beverage Control Act.

20 B. The Commission shall consist of seven (7) members, to be
21 appointed by the Governor with the advice and consent of the State
22 Senate; provided, members serving on ~~the effective date of this act~~
23 October 1, 2017, shall continue to serve until such time as their
24 terms would have expired pursuant to the provisions of Section 1 of

1 Article XXVIII of the Oklahoma Constitution. Five of the members
2 shall be at-large members representing the lay citizenry. The
3 remaining two members shall be persons with law enforcement
4 experience in this state. Any time there is a vacancy on the
5 Commission, the Governor shall appoint a replacement, with the
6 advice and consent of the State Senate, within ninety (90) days.

7 C. Members of the Commission shall be appointed for a term of
8 five (5) years.

9 D. No more than four members of the Commission shall be
10 appointed from the same political party. No more than two members
11 of the Commission shall be appointed from the same federal
12 congressional district.

13 E. No member of the Commission shall hold any license
14 authorized by the Oklahoma Alcoholic Beverage Control Act, or have
15 any interest in any capacity, in the manufacture, sale, distribution
16 or transportation of alcoholic beverages.

17 F. The members of the Commission shall be removable from office
18 for cause as other officers not subject to impeachment.

19 G. The Commission shall appoint a Director, whose duties shall
20 be defined as provided in Section ~~8~~ 1-108 of this ~~act~~ title.

21 H. The State of Oklahoma shall take all necessary steps to
22 ensure the timely implementation of Enrolled Senate Joint Resolution
23 No. 68 of the 2nd Session of the 55th Oklahoma Legislature, if
24 approved by the voters. Consistent with this objective, the ABLE

1 Commission shall have the power to issue interim licenses prior to
2 October 1, 2018, as follows:

3 1. Except for the sale of wine or beer to the public, an
4 interim license shall allow all qualified retail wine and retail
5 beer licensees to perform all activities permissible under a full
6 license including but not limited to purchasing, stocking and
7 storing the wine and/or full-strength beer prior to October 1, 2018.
8 In order to qualify for an interim license, the licensee must
9 satisfy all the requirements set forth in Article XXVIII A of the
10 Oklahoma Constitution and this act. The interim license shall
11 convert to a full license on October 1, 2018;

12 2. Package stores may install refrigerated coolers for the
13 storage of beer and wine prior to October 1, 2018, provided the
14 refrigerated coolers shall not be used to cool product below room
15 temperature until on or after October 1, 2018; and

16 3. An interim license shall allow all qualified wine and
17 spirits wholesalers and beer distributors to perform all activities
18 permissible under a full license including but not limited to
19 selling and delivering wine and/or full-strength beer to all
20 qualified retail wine and retail beer licensees. In order to
21 qualify for an interim license, the wine and spirits wholesaler and
22 beer distributor must comply with the provisions set forth in
23 Article XXVIII A of the Oklahoma Constitution and this act. The
24 interim license shall convert to a full license on October 1, 2018.

1 I. No retail wine or retail beer licensee may sell wine and/or
2 beer, other than low-point beer, and no package store may sell
3 refrigerated wine and/or beer, prior to October 1, 2018. The sale
4 or refrigeration of wine and/or beer in violation of this subsection
5 shall result in the revocation of the interim license and a monetary
6 fine of Twenty-five Thousand dollars (\$25,000.00).

7 SECTION 2. This act shall become effective October 1, 2017.

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
9 February 23, 2017 - DO PASS AS AMENDED
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