

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 646

By: Bice

6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending
8 Section 4, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
9 2016, Section 1-104), which relate to beer
10 distribution; modifying interim licenses which may be
11 issued by Alcoholic Beverage Laws Enforcement
12 Commission; clarifying references; and providing
13 effective dates.

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

13 SECTION 1. AMENDATORY Section 4, Chapter 366, O.S.L.
14 2016 (37A O.S. Supp. 2016, Section 1-104), is amended to read as
15 follows:

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

23 B. The Commission shall consist of seven (7) members, to be
24 appointed by the Governor with the advice and consent of the State

Senate; provided, members serving on ~~the effective date of this act~~
October 1, 2017, shall continue to serve until such time as their
terms would have expired pursuant to the provisions of Section 1 of
Article XXVIII of the Oklahoma Constitution. Five of the members
shall be at-large members representing the lay citizenry. The
remaining two members shall be persons with law enforcement
experience in this state. Any time there is a vacancy on the
Commission, the Governor shall appoint a replacement, with the
advice and consent of the State Senate, within ninety (90) days.

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

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

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

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

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

1 H. The State of Oklahoma shall take all necessary steps to
2 ensure the timely implementation of Enrolled Senate Joint Resolution
3 No. 68 of the 2nd Session of the 55th Oklahoma Legislature, if
4 approved by the voters. Consistent with this objective, the ABLE
5 Commission shall have the power to issue interim licenses prior to
6 October 1, 2018, as follows:

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

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

20 3. An interim license shall allow all qualified wine and
21 spirits wholesalers and beer distributors to perform all activities
22 permissible under a full license including but not limited to
23 selling and delivering wine and/or full-strength beer to all
24 qualified retail wine and retail beer licensees. In order to

1 qualify for an interim license, the wine and spirits wholesaler and
2 beer distributor must comply with the provisions set forth in
3 Article XXVIII A of the Oklahoma Constitution and this act. The
4 interim license shall convert to a full license on October 1, 2018.

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

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

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