

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2845

By: Meredith

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 14, Chapter 366, O.S.L. 2016, as amended by Section 1, Chapter 84, O.S.L. 2017 (37A O.S. Supp. 2017, Section 2-102), which relates to brewer and small brewer licenses; authorizing certain acts related to wine; amending Section 16, Chapter 366, O.S.L. 2016, as amended by Section 2, Chapter 307, O.S.L. 2017 (37A O.S. Supp. 2017, Section 2-104), which relates to winemaker licenses; authorizing certain acts related to beer; and providing an effective date.

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

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

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

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

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

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

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

4 2. To sell beer in this state to holders of beer distributor
5 licenses and retail licenses or to sell beer out of this state to
6 qualified persons;

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

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

12 5. To sell beer at public events such as trade shows or
13 festivals;

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

16 7. To sell, offer for sale and possess wine for on-premises
17 consumption.

18 C. Nothing in this act shall prohibit the holder of a small
19 brewer license from also holding or owning an interest in the holder
20 of a brewpub license.

21 D. For purposes of this section, no visitor may sample more
22 than a total of twelve (12) fluid ounces of beer per day. The
23 brewer must restrict the distribution and consumption of beer
24 samples to an area within the licensed premises designated by the

1 brewer. A current floor plan that includes the designated sampling
2 area must be on file with the ABLE Commission. No visitor under
3 twenty-one (21) years of age shall be permitted to enter this
4 designated sampling area when samples are being distributed or
5 consumed. Samples of beer served by a brewery under this section
6 shall not be considered a sale of beer within the meaning of Article
7 XXVIII A of the Oklahoma Constitution or Section 1-103 of this title;
8 however, such samples of beer shall be considered beer removed or
9 withdrawn from the brewery for use or consumption within the meaning
10 of Section 5-110 of this title for excise tax determination and
11 reporting requirements. Sales and sampling may only occur between
12 the hours of 10:00 a.m. and 2:00 a.m.

13 E. A small brewer self-distribution license shall authorize
14 holders of a small brewer license to distribute beer produced only
15 by such licensee to a holder of a retail beer license, retail
16 spirits license, mixed beverage license, beer and wine license,
17 caterer's license, special event license, public event license,
18 charitable auction license or brewpub license. A small brewer shall
19 elect whether it will distribute through a distributor or self-
20 distribute in a subject territory; however, a small brewer may not
21 elect to do both simultaneously in a subject territory. The
22 election shall be made through notice to the ABLE Commission. Any
23 changes to the election shall require immediate notification to the
24 ABLE Commission before the change in election will take effect. A

1 small brewer that elects to self-distribute in multiple territories
2 shall only be required to have one small brewer self-distribution
3 license.

4 SECTION 2. AMENDATORY Section 16, Chapter 366, O.S.L.
5 2016, as amended by Section 2, Chapter 307, O.S.L. 2017 (37A O.S.
6 Supp. 2017, Section 2-104), is amended to read as follows:

7 Section 2-104. A winemaker license shall authorize the holder
8 thereof:

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

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

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

21 4. To serve free samples of wine produced at the winery to
22 visitors twenty-one (21) years of age and older. For purposes of
23 this section, no visitor may sample more than a total of six (6)
24 fluid ounces of wine per day. The winery shall restrict the

1 distribution and consumption of wine samples to an area within the
2 licensed premises designated by the winery. A current floor plan
3 that includes the designated sampling area shall be on file with the
4 ABLE Commission. No visitor under twenty-one (21) years of age
5 shall be permitted to enter the designated sampling area when
6 samples are being distributed and consumed. Samples of wine served
7 by a winery under this section shall not be considered a sale of
8 wine within the meaning of Article XXVIII A of the Oklahoma
9 Constitution or Section 1-103 of this title; provided, such samples
10 of wine shall be considered removed or withdrawn from the winery for
11 use or consumption within the meaning of Section 5-110 of this title
12 for excise tax determination and reporting requirements;

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

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

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

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

23 9. To sell and serve Oklahoma-manufactured wine, mulled wine,
24 or spiced wine, mixed with nonalcoholic beverages or food items such

1 as water, sugar, fruits and vegetables, at any temperature for
2 either on-premises or off-premises consumption;

3 10. To purchase beer in retail containers from the holder of a
4 wholesaler, beer distributor, small brewer self-distributor or
5 brewpub self-distributor license or as specifically provided by law;
6 and

7 11. To sell, offer for sale and possess beer for on-premises
8 consumption.

9 SECTION 3. This act shall become effective October 1, 2018.

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