

1 ENGROSSED SENATE
2 BILL NO. 115

By: Bergstrom of the Senate

3 and

4 McEntire of the House
5

6 An Act relating to alcohol licenses; amending
7 Sections 30, 31 and 50, Chapter 366, O.S.L. 2016 (37A
8 O.S. Supp. 2018, Sections 2-118, 2-119 and 2-138),
9 which relate to airline/railroad beverage licenses;
10 adding commercial vessel license; modifying language;
11 requiring alcoholic beverage purchases from licensed
12 wholesaler and beer distributors; excluding certain
commercial vessel operation from excise tax
exemption; providing an effective date; and declaring
an emergency.

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

14 SECTION 1. AMENDATORY Section 30, Chapter 366, O.S.L.
15 2016 (37A O.S. Supp. 2018, Section 2-118), is amended to read as
16 follows:

17 Section 2-118. A. An airline/railroad/commercial vessel
18 beverage license shall authorize the holder thereof:

19 1. To sell or serve alcoholic beverages in or from any size
20 container on a commercial passenger airplane, vessel or railroad
21 operated in compliance with a valid license, permit or certificate
22 issued under the authority of the United States or this state or its
23 instrumentality, even though the airplane, vessel or train, in the
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1 course of its travel, may cross an area in which the sale of
2 alcoholic beverages by the individual drink is not authorized; and

3 2. To store alcoholic beverages in sealed containers of any
4 size at any airport, facility or station regularly served by the
5 licensee, in accordance with rules promulgated by the ABLE
6 Commission.

7 B. Alcoholic beverages purchased by the holder of an
8 airline/railroad license from the holder of a wholesaler license or
9 beer distributor license shall be presumed to be purchased for
10 consumption outside the State of Oklahoma or in interstate commerce,
11 and shall be exempt from the excise tax provided ~~for~~ in Section ~~104~~
12 ~~of this act~~ 5-101 of this title. A commercial vessel operating
13 solely on the waterways within this state shall purchase alcoholic
14 beverages from the holder of a wholesaler license or beer
15 distributor license and shall not be exempt from the excise tax
16 provided in Section 5-101 of this title.

17 SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L.
18 2016 (37A O.S. Supp. 2018, Section 2-119), is amended to read as
19 follows:

20 Section 2-119. An airline/railroad/commercial vessel beverage
21 license may be issued to any corporation operating a commercial
22 airline, vessel or railroad in or through this state. Application
23 and payment of the license fee shall be made directly to the ABLE
24 Commission.

1 SECTION 3. AMENDATORY Section 50, Chapter 366, O.S.L.

2 2016 (37A O.S. Supp. 2018, Section 2-138), is amended to read as
3 follows:

4 Section 2-138. The holder of a mixed beverage, beer and wine,
5 caterer, special event, public event or airline/railroad/commercial
6 vessel beverage license shall purchase alcoholic beverages only from
7 a licensed wine and spirits wholesaler or beer distributor, or as
8 otherwise specifically provided by law; provided, the holder of a
9 mixed beverage, beer and wine, caterer or special event license
10 issued for an establishment which is also a restaurant may purchase
11 wine produced at small farm wineries or beer produced at small
12 breweries in this state directly from a winemaker or craft brewer as
13 provided in Article XXVIII A of the Oklahoma Constitution.

14 A wine and spirits wholesaler, beer distributor or a holder of a
15 small brewer self-distribution license or brewpub self-distribution
16 license may deliver such products to licensees authorized to sell
17 alcoholic beverages for on-premises consumption; provided, such
18 licensees may also pick up alcoholic beverage orders if they hold a
19 private carrier license issued by the ABLE Commission.

20 SECTION 4. This act shall become effective July 1, 2019.

21 SECTION 5. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 12th day of February, 2019.

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6 Presiding Officer of the Senate

7 Passed the House of Representatives the ____ day of _____,
8 2019.

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11 Presiding Officer of the House
12 of Representatives
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