

1 ENGROSSED SENATE
2 BILL NO. 819

By: Bice of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to brewer licenses; amending Section
7 14, Chapter 366, O.S.L. 2016, as last amended by
8 Section 1, Chapter 315, O.S.L. 2018 (37A O.S. Supp.
9 2018, Section 2-102), which relates to brewer
10 license; adding cider; limiting service area;
11 restricting service area to certain aged persons;
12 defining term; updating statutory reference; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.
16 2016, as last amended by Section 1, Chapter 315, O.S.L. 2018 (37A
17 O.S. Supp. 2018, Section 2-102), is amended to read as follows:

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

20 1. To manufacture, bottle, package and store beer or cider on
21 the licensed premises; and

22 2. To sell beer or cider in this state to holders of beer
23 distributor licenses and to sell beer or cider out of this state to
24 qualified persons.

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

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

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

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

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

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

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

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

17 C. Nothing in ~~this act~~ the Oklahoma Alcoholic Beverage Control
18 Act shall prohibit the holder of a small brewer license from also
19 holding or owning an interest in the holder of a brewpub license.

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

1 floor plan that includes the designated ~~sampling~~ serving area must
2 be on file with the ABLE Commission. No visitor under twenty-one
3 (21) years of age shall be permitted to enter this designated
4 ~~sampling serving area when samples are being distributed or~~
5 ~~consumed.~~ Accompanied visitors under twenty-one (21) years of age
6 shall be allowed anywhere on the premises except for a serving area.
7 Samples of beer or cider served by a brewery under this section
8 shall not be considered a sale of beer or cider within the meaning
9 of Article XXVIII A of the Oklahoma Constitution or Section 1-103 of
10 this title; however, such samples of beer or cider shall be
11 considered beer or cider removed or withdrawn from the brewery for
12 use or consumption within the meaning of Section 5-110 of this title
13 for excise tax determination and reporting requirements. Sales and
14 sampling may only occur between the hours of 10:00 a.m. and 2:00
15 a.m. For purposes of this subsection, "serving area" means the area
16 of the bar where drinks are sold, prepared and served to paying
17 customers and shall not include other areas of the brewery where
18 customers consume purchased products.

19 E. A small brewer self-distribution license shall authorize
20 holders of a small brewer license to distribute beer or cider
21 produced only by such licensee to a holder of a retail beer license,
22 retail spirits license, mixed beverage license, beer and wine
23 license, caterer's license, special event license, public event
24 license, winemaker license charitable auction license or brewpub

1 license. A small brewer shall elect whether it will distribute
2 through a distributor or self-distribute in a subject territory;
3 however, a small brewer may not elect to do both simultaneously in a
4 subject territory. The election shall be made through notice to the
5 ABLE Commission. Any changes to the election shall require
6 immediate notification to the ABLE Commission before the change in
7 election will take effect. A small brewer that elects to self-
8 distribute in multiple territories shall only be required to have
9 one small brewer self-distribution license.

10 SECTION 2. This act shall become effective November 1, 2019.

11 Passed the Senate the 11th day of March, 2019.

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14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2019.

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19 Presiding Officer of the House
20 of Representatives
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