

An Act

ENROLLED SENATE
BILL NO. 819

By: Bice of the Senate

and

McEntire of the House

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

SUBJECT: Brewer licenses

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

SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L. 2016, as last amended by Section 1, Chapter 315, O.S.L. 2018 (37A O.S. Supp. 2018, 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 or cider on the licensed premises; and

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

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

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

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

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

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

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

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

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

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

D. For purposes of this section, no visitor may sample more than a total of twelve (12) fluid ounces of beer or cider per day. The brewer must restrict the distribution ~~and consumption~~ of beer ~~samples or cider to an~~ the serving area within the licensed premises ~~designated by the brewer as defined in this subsection.~~ A current floor plan that includes the designated ~~sampling~~ serving area must be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter this designated ~~sampling serving area when samples are being distributed or consumed.~~ Accompanied visitors under twenty-one (21) years of age shall be allowed anywhere on the premises except for a serving area. Samples of beer or cider served by a brewery under this section shall not be considered a sale of beer or cider within the meaning of Article XXVIII A of the Oklahoma Constitution or Section 1-103 of this title; however, such samples of beer or cider shall be

considered beer or cider removed or withdrawn from the brewery for use or consumption within the meaning of Section 5-110 of this title for excise tax determination and reporting requirements. Sales and sampling may only occur between the hours of 10:00 a.m. and 2:00 a.m. For purposes of this subsection, "serving area" means the area of the bar where drinks are sold, prepared and served to paying customers and shall not include other areas of the brewery where customers consume purchased products.

E. A small brewer self-distribution license shall authorize holders of a small brewer license to distribute beer or cider produced only by such licensee to a holder of a retail beer license, retail spirits license, mixed beverage license, beer and wine license, caterer's license, special event license, public event license, winemaker license charitable auction license or brewpub license. A small brewer shall elect whether it will distribute through a distributor or self-distribute in a subject territory; however, a small brewer may not elect to do both simultaneously in a subject territory. The election shall be made through notice to the ABLE Commission. Any changes to the election shall require immediate notification to the ABLE Commission before the change in election will take effect. A small brewer that elects to self-distribute in multiple territories shall only be required to have one small brewer self-distribution license.

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____