

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3059

By: McDugle of the House

5 and

6 **Coleman** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to alcoholic beverages; amending
11 Section 21, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
12 2019, Section 2-109), which relates to retail
13 licenses; modifying authority of holder of retail
14 spirits license; authorizing tasting parties;
15 specifying requirements; defining term; providing
16 that serving of samples does not constitute sales;
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY Section 21, Chapter 366, O.S.L.
20 2016 (37A O.S. Supp. 2019, Section 2-109), is amended to read as
21 follows:

22 Section 2-109. A. A retail spirits license shall authorize the
23 holder thereof:

24 1. To purchase wine or spirits from a wine and spirits
 wholesaler;

1 2. To purchase beer from a beer distributor or from the holder
2 of a small brewer self-distribution license; ~~and~~

3 3. To sell same on the licensed premises in such containers to
4 consumers for off-premises consumption only and not for resale;
5 provided, spirits, wine and beer may be sold to charitable
6 organizations that are holders of charitable alcoholic beverage
7 auction or charitable alcoholic beverage event licenses; and

8 4. To allow tasting parties within the licensed premises:

9 a. during normal business hours,

10 b. in a separate room or an area of the premises that has
11 been sectioned off,

12 c. if no person under twenty-one (21) years of age is
13 allowed in the room or area in which the tasting party
14 is held,

15 d. if the samples served at the tasting party are
16 provided to patrons at no cost to the patrons,

17 e. if any alcoholic beverages sold are sold in their
18 original sealed packages, and

19 f. if the licensee does not receive any gift or thing of
20 value in violation of Section 3-119 of this title.

21 As used in this paragraph, "tasting parties" means events for
22 sampling a selection of spirits, wine or beer to compare qualities.
23 Samples served pursuant to this paragraph shall not be considered a
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1 sale within the meaning of Article XXVIII-A of the Oklahoma
2 Constitution.

3 B. A retail wine license shall authorize the holder thereof:

4 1. To purchase wine from a wine and spirits wholesaler;

5 2. To purchase wine from a small farm winemaker who is
6 permitted and has elected to self-distribute as provided in Article
7 ~~XXVIII-A~~ XXVIII-A of the Oklahoma Constitution; and

8 3. To sell same on the licensed premises in such containers to
9 consumers for off-premises consumption only and not for resale;
10 provided, wine may be sold to charitable organizations that are
11 holders of charitable alcoholic beverage auction or charitable
12 alcoholic beverage event licenses.

13 Provided, no holder of a Retail Wine License may sell wine with
14 alcohol beverage volume in excess of fifteen percent (15%).

15 C. A retail beer license shall authorize the holder thereof:

16 1. To purchase beer from a beer distributor;

17 2. To purchase beer from the holder of a small brewer self-
18 distribution license; and

19 3. To sell same on the licensed premises in such containers to
20 consumers for off-premises consumption only and not for resale;
21 provided, beer may be sold to charitable organizations that are
22 holders of charitable alcoholic beverage auction or charitable
23 alcoholic beverage event licenses.

1 Provided, no holder of a Retail Beer License may sell a malt
2 beverage with alcohol beverage volume in excess of eight and ninety-
3 nine/one hundredths percent (8.99%).

4 SECTION 2. This act shall become effective November 1, 2020.

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6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
7 02/26/2020 - DO PASS, As Coauthored.
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