

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE

5 BILL NO. 115

By: Bergstrom of the Senate

and

McEntire of the House

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

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

20 SECTION 1. AMENDATORY Section 30, Chapter 366, O.S.L.
21 2016 (37A O.S. Supp. 2018, Section 2-118), is amended to read as
22 follows:

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

1. To sell or serve alcoholic beverages in or from any size
container on a commercial passenger airplane, vessel or railroad
operated in compliance with a valid license, permit or certificate

1 issued under the authority of the United States or this state or its
2 instrumentality, even though the airplane, vessel or train, in the
3 course of its travel, may cross an area in which the sale of
4 alcoholic beverages by the individual drink is not authorized; and

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

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

19 SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L.
20 2016 (37A O.S. Supp. 2018, Section 2-119), is amended to read as
21 follows:

22 Section 2-119. An airline/railroad/commercial vessel beverage
23 license may be issued to any corporation operating a commercial
24 airline, vessel or railroad in or through this state. Application

1 and payment of the license fee shall be made directly to the ABLE
2 Commission.

3 SECTION 3. AMENDATORY Section 50, Chapter 366, O.S.L.
4 2016 (37A O.S. Supp. 2018, Section 2-138), is amended to read as
5 follows:

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

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

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

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

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.

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4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
5 03/27/2019 - DO PASS.

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