

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 819

By: Bice of the Senate

and

McEntire of the House

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

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

18 SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.
19 2016, as last amended by Section 1, Chapter 315, O.S.L. 2018 (37A
20 O.S. Supp. 2018, Section 2-102), is amended to read as follows:

21 Section 2-102. A. A brewer license shall authorize the holder
22 thereof:

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

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

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

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

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

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

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

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

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

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

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

1 D. For purposes of this section, no visitor may sample more
2 than a total of twelve (12) fluid ounces of beer or cider per day.
3 The brewer must restrict the distribution ~~and consumption~~ of beer
4 ~~samples~~ or cider to ~~an~~ the serving area within the licensed premises
5 ~~designated by the brewer~~ as defined in this subsection. A current
6 floor plan that includes the designated ~~sampling~~ serving area must
7 be on file with the ABLE Commission. No visitor under twenty-one
8 (21) years of age shall be permitted to enter this designated
9 ~~sampling serving~~ area ~~when samples are being distributed or~~
10 ~~consumed~~. Accompanied visitors under twenty-one (21) years of age
11 shall be allowed anywhere on the premises except for a serving area.
12 Samples of beer or cider served by a brewery under this section
13 shall not be considered a sale of beer or cider within the meaning
14 of Article XXVIII A of the Oklahoma Constitution or Section 1-103 of
15 this title; however, such samples of beer or cider shall be
16 considered beer or cider removed or withdrawn from the brewery for
17 use or consumption within the meaning of Section 5-110 of this title
18 for excise tax determination and reporting requirements. Sales and
19 sampling may only occur between the hours of 10:00 a.m. and 2:00
20 a.m. For purposes of this subsection, "serving area" means the area
21 of the bar where drinks are sold, prepared and served to paying
22 customers and shall not include other areas of the brewery where
23 customers consume purchased products.
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1 E. A small brewer self-distribution license shall authorize
2 holders of a small brewer license to distribute beer or cider
3 produced only by such licensee to a holder of a retail beer license,
4 retail spirits license, mixed beverage license, beer and wine
5 license, caterer's license, special event license, public event
6 license, winemaker license charitable auction license or brewpub
7 license. A small brewer shall elect whether it will distribute
8 through a distributor or self-distribute in a subject territory;
9 however, a small brewer may not elect to do both simultaneously in a
10 subject territory. The election shall be made through notice to the
11 ABLE Commission. Any changes to the election shall require
12 immediate notification to the ABLE Commission before the change in
13 election will take effect. A small brewer that elects to self-
14 distribute in multiple territories shall only be required to have
15 one small brewer self-distribution license.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON TOURISM, dated 04/04/2019 - DO
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