

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 819

By: Bice

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5
6 AS INTRODUCED

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

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

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

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

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

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

23 B. A small brewer license shall authorize the holder thereof:
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1 1. To manufacture, bottle, package and store beer produced by
2 the licensee on licensed premises;

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

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

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

11 5. To sell beer at public events such as trade shows or
12 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 per day. The
22 brewer must restrict the distribution ~~and consumption~~ of beer
23 ~~samples~~ 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~~. Samples of beer served by a brewery under this section
6 shall not be considered a sale of beer within the meaning of Article
7 XXVIII A of the Oklahoma Constitution or Section 1-103 of this title;
8 however, such samples of beer shall be considered beer removed or
9 withdrawn from the brewery for use or consumption within the meaning
10 of Section 5-110 of this title for excise tax determination and
11 reporting requirements. Sales and sampling may only occur between
12 the hours of 10:00 a.m. and 2:00 a.m. For purposes of this
13 subsection, "serving area" means the area of the bar where drinks
14 are sold, prepared and served to paying customers and shall not
15 include other areas of the brewery where customers consume purchased
16 products.

17 E. A small brewer self-distribution license shall authorize
18 holders of a small brewer license to distribute beer produced only
19 by such licensee to a holder of a retail beer license, retail
20 spirits license, mixed beverage license, beer and wine license,
21 caterer's license, special event license, public event license,
22 charitable auction license or brewpub license. A small brewer shall
23 elect whether it will distribute through a distributor or self-
24 distribute in a subject territory; however, a small brewer may not

1 elect to do both simultaneously in a subject territory. The
2 election shall be made through notice to the ABLE Commission. Any
3 changes to the election shall require immediate notification to the
4 ABLE Commission before the change in election will take effect. A
5 small brewer that elects to self-distribute in multiple territories
6 shall only be required to have one small brewer self-distribution
7 license.

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

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