

An Act

ENROLLED SENATE
BILL NO. 315

By: Coleman and Bergstrom of
the Senate

and

McDugle of the House

An Act relating to alcoholic beverages; amending Section 15, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020, Section 2-103), which relates to distiller licenses; modifying authority of holders of distiller licenses; amending Section 19, Chapter 366, O.S.L. 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S. Supp. 2020, Section 2-107), which relates to wine and spirits; modifying authorized acts of certain wholesalers; and declaring an emergency.

SUBJECT: Alcoholic beverages

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

SECTION 1. AMENDATORY Section 15, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020, Section 2-103), is amended to read as follows:

Section 2-103. A. A distiller license shall authorize the holder thereof:

1. To manufacture, bottle, package and store spirits on licensed premises;
2. To sell spirits in this state to licensed wholesalers and manufacturers only;

3. To sell spirits out of this state to qualified persons; to purchase from licensed distillers and rectifiers in this state, and import spirits from without this state for manufacturing purposes in accordance with federal laws and regulations; ~~and~~

4. To serve free samples of spirits produced only by the licensee to visitors twenty-one (21) years of age and older. For purposes of this section, no visitor may sample more than a total of three (3) fluid ounces of spirits per day. The distiller shall restrict the distribution and consumption of spirits samples to an area within the licensed premises designated by the distiller. A current floor plan that includes the designated sampling area shall be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter the designated sampling area when samples are being distributed and consumed. Samples of spirits served by a distiller under this section shall not be considered a sale of spirits within the meaning of Article ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution or Section ~~3~~ 1-103 of this ~~act~~ title; provided, such samples of spirits shall be considered removed or withdrawn from the distillery for use or consumption within the meaning of Section ~~413~~ 5-110 of this ~~act~~ title for excise tax determination and reporting requirements;

5. To sell spirits produced by the licensee for either on-premises or off-premises consumption to consumers on the licensed distillery premises or in an area controlled by the licensee located contiguous to the licensed distillery premises. Product offered for sale by the Oklahoma licensed distiller will have been sold to and shipped to an Oklahoma licensed wine and spirits wholesaler and then made available for purchase by the Oklahoma licensed distiller for sale; and

6. To sell spirits at public events such as trade shows or festivals. Products offered for sale by the Oklahoma licensed distiller will have been sold to and shipped to an Oklahoma licensed wine and spirits wholesaler and then made available for purchase by the Oklahoma licensed distiller.

B. Spirits sold pursuant to paragraphs 5 and 6 of subsection A of this section shall not exceed fifteen thousand (15,000) gallons per calendar year in combination.

SECTION 2. AMENDATORY Section 19, Chapter 366, O.S.L. 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S. Supp. 2020, Section 2-107), is amended to read as follows:

Section 2-107. A. A wine and spirits wholesaler license shall authorize the holder thereof:

1. To purchase and import into this state spirits and wines from persons authorized to sell same who are the holders of a manufacturer or nonresident seller license, and their agents who are the holders of manufacturer's agent licenses;

2. To purchase spirits and wines from licensed distillers, rectifiers and winemakers in this state;

3. To purchase spirits and wines from licensed wholesalers, to the extent set forth in subsections B and C of this section;

4. To sell in retail containers in this state to retailers, mixed beverage, caterer, special event, public event, hotel beverage or airline/railroad beverage licensees, spirits and wines which have been received and unloaded at the bonded warehouse facilities of the wholesaler before such sale;

5. To sell to licensed wholesalers, to the extent set forth in subsections B and C of this section, spirits and wines which have been received and unloaded at the bonded warehouse facilities of the wholesaler before such sale; ~~and~~

6. To sell spirits and wines out of this state to qualified persons; and

7. To sell to licensed distillers spirits that were manufactured by that distiller and which have been received and unloaded at a bonded warehouse facility of a wholesaler before such sale.

Provided, however, sales of spirits and wine in containers with a capacity of less than one-twentieth (1/20) gallon by a holder of a wholesaler license shall be in full case lots and in the original unbroken case. Wholesalers shall be authorized to place such signs

outside their place of business as are required by Acts of Congress and by such laws and regulations promulgated under such Acts.

B. A wholesaler may sell spirits and wine to other wholesalers or purchase spirits and wines from other wholesalers without complying with subsection A of this section in the case of the sale, purchase or other transfer or acquisition of the entire business of a wholesaler, including the inventory of spirits and wine.

C. A wholesaler license shall authorize the holder thereof to:

1. Maintain not more than three (3) self-owned or leased and self-operated bonded warehouses within this state. All invoices shall be stored at the principal place of business for which the wholesaler license was granted; and

2. Accept as payment cash, personal check, cashier's check, money order or electronic fund transfer from persons licensed to purchase alcoholic beverages; provided, a wholesaler shall not be permitted to accept payment by credit card.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2021.

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: _____