



- 1        1. To manufacture, bottle, package and store spirits on  
2 licensed premises;
- 3        2. To sell spirits in this state to licensed wholesalers and  
4 manufacturers only;
- 5        3. To sell spirits out of this state to qualified persons; to  
6 purchase from licensed distillers and rectifiers in this state, and  
7 import spirits from without this state for manufacturing purposes in  
8 accordance with federal laws and regulations; ~~and~~
- 9        4. To serve free samples of spirits produced only by the  
10 licensee to visitors twenty-one (21) years of age and older. For  
11 purposes of this section, no visitor may sample more than a total of  
12 three (3) fluid ounces of spirits per day. The distiller shall  
13 restrict the distribution and consumption of spirits samples to an  
14 area within the licensed premises designated by the distiller. A  
15 current floor plan that includes the designated sampling area shall  
16 be on file with the ABLE Commission. No visitor under twenty-one  
17 (21) years of age shall be permitted to enter the designated  
18 sampling area when samples are being distributed and consumed.  
19 Samples of spirits served by a distiller under this section shall  
20 not be considered a sale of spirits within the meaning of Article  
21 ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution or Section ~~3~~ 1-103 of  
22 this ~~act~~ title; provided, such samples of spirits shall be  
23 considered removed or withdrawn from the distillery for use or  
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1 consumption within the meaning of Section ~~113~~ 5-110 of this ~~act~~  
2 title for excise tax determination and reporting requirements;

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

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

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

19 SECTION 2. AMENDATORY Section 19, Chapter 366, O.S.L.  
20 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S.  
21 Supp. 2020, Section 2-107), is amended to read as follows:

22 Section 2-107. A. A wine and spirits wholesaler license shall  
23 authorize the holder thereof:  
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- 1        1. To purchase and import into this state spirits and wines  
2 from persons authorized to sell same who are the holders of a  
3 manufacturer or nonresident seller license, and their agents who are  
4 the holders of manufacturer's agent licenses;
- 5        2. To purchase spirits and wines from licensed distillers,  
6 rectifiers and winemakers in this state;
- 7        3. To purchase spirits and wines from licensed wholesalers, to  
8 the extent set forth in subsections B and C of this section;
- 9        4. To sell in retail containers in this state to retailers,  
10 mixed beverage, caterer, special event, public event, hotel beverage  
11 or airline/railroad beverage licensees, spirits and wines which have  
12 been received and unloaded at the bonded warehouse facilities of the  
13 wholesaler before such sale;
- 14        5. To sell to licensed wholesalers, to the extent set forth in  
15 subsections B and C of this section, spirits and wines which have  
16 been received and unloaded at the bonded warehouse facilities of the  
17 wholesaler before such sale; and
- 18        6. To sell spirits and wines out of this state to qualified  
19 persons; and
- 20        7. To sell to licensed distillers spirits that were  
21 manufactured by that distiller and which have been received and  
22 unloaded at a bonded warehouse facility of a wholesaler before such  
23 sale.
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1        Provided, however, sales of spirits and wine in containers with  
2 a capacity of less than one-twentieth (1/20) gallon by a holder of a  
3 wholesaler license shall be in full case lots and in the original  
4 unbroken case. Wholesalers shall be authorized to place such signs  
5 outside their place of business as are required by Acts of Congress  
6 and by such laws and regulations promulgated under such Acts.

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

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

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

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

21        SECTION 3. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
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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 ALCOHOL, TOBACCO AND CONTROLLED  
5 SUBSTANCES, dated 03/01/2021 - DO PASS, As Amended and Coauthored.

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