

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2665

By: Echols of the House

and

7 **Coleman** of the Senate

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9
10 COMMITTEE SUBSTITUTE

11 An Act relating to alcoholic beverages; amending
12 Section 13, Chapter 366, O.S.L. 2016, as last amended
13 by Section 9, Chapter 161, O.S.L. 2020 (37A O.S.
14 Supp. 2020, Section 2-101), which relates to fees;
15 modifying name of certain license; adding certain
16 license information; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY Section 13, Chapter 366, O.S.L.
20 2016, as last amended by Section 9, Chapter 161, O.S.L. 2020 (37A
21 O.S. Supp. 2020, Section 2-101), is amended to read as follows:

22 Section 2-101. A. Except as otherwise provided in this
23 section, the licenses issued by the ABLE Commission, and the annual
24 fees therefor, shall be as follows:

1. Brewer License..... \$1,250.00

2. Small Brewer License..... \$125.00
3. Distiller License..... \$3,125.00
4. Winemaker License..... \$625.00
5. Small Farm Winery License..... \$75.00
6. Rectifier License..... \$3,125.00
7. Wine and Spirits Wholesaler License..... \$3,000.00
8. Beer Distributor License..... \$750.00
9. The following retail spirits license fees
shall be determined by the latest Federal
Decennial Census:
 - a. Retail Spirits License for cities and
towns from 200 to 2,500 population..... \$305.00
 - b. Retail Spirits License for cities and
towns from 2,501 to 5,000 population..... \$605.00
 - c. Retail Spirits License for cities and
towns over 5,000 population..... \$905.00
10. Retail Wine License..... \$1,000.00
11. Retail Beer License..... \$500.00
12. Mixed Beverage License..... \$1,005.00
(initial license)
\$905.00
(renewal)
13. Mixed Beverage/Caterer Combination License..... \$1,250.00
14. On-Premises Beer and Wine License..... \$500.00

1		(initial license)	
2		\$450.00	
3		(renewal)	
4	15.	Bottle Club License.....	\$1,000.00
5		(initial license)	
6		\$900.00	
7		(renewal)	
8	16.	Caterer License.....	\$1,005.00
9		(initial license)	
10		\$905.00	
11		(renewal)	
12	17.	Annual Special Event License.....	\$55.00
13	18.	Quarterly Special Event License.....	\$55.00
14	19.	Hotel Beverage License.....	\$1,005.00
15		(initial license)	
16		\$905.00	
17		(renewal)	
18	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
19		License.....	\$1,005.00
20		(initial license)	
21		\$905.00	
22		(renewal)	
23	21.	Agent License.....	\$55.00
24	22.	Employee License.....	\$30.00

23.	Industrial License.....	\$23.00
24.	Carrier License.....	\$23.00
25.	Private Carrier License.....	\$23.00
26.	Bonded Warehouse License.....	\$190.00
27.	Storage License.....	\$23.00
28.	Nonresident Seller License or Manufacturer's License.....	\$750.00
29.	<u>Manufacturer License:</u>	
a.	<u>50 cases or less sold in Oklahoma in</u> <u>last calendar year.....</u>	<u>\$50.00</u>
b.	<u>51 to 500 cases sold in Oklahoma in</u> <u>last calendar year.....</u>	<u>\$75.00</u>
c.	<u>501 cases or more sold in Oklahoma in</u> <u>last calendar year.....</u>	<u>\$150.00</u>
30. 30.	Manufacturer's Agent License.....	\$55.00
30. 31.	Sacramental Wine Supplier License.....	\$100.00
31. 32.	Charitable Auction License.....	\$1.00
32. 33.	Charitable Alcoholic Beverage License.....	\$55.00
33. 34.	Winemaker Self-Distribution License.....	\$750.00
34. 35.	Annual Public Event License.....	\$1,005.00
35. 36.	One-Time Public Event License.....	\$255.00
36. 37.	Small Brewer Self-Distribution License.....	\$750.00
37. 38.	Brewpub License.....	\$1,005.00
38. 39.	Brewpub Self-Distribution License.....	\$750.00

~~39.~~ 40. Complimentary Beverage License..... \$75.00

~~40.~~ 41. Satellite Tasting Room License..... \$100.00

B. 1. There shall be added to the initial or renewal fees for a Mixed Beverage License an administrative fee, which shall not be deemed to be a license fee, in the amount of Five Hundred Dollars (\$500.00), which shall be paid at the same time and in the same manner as the license fees prescribed by paragraph 12 of subsection A of this section; provided, this fee shall not be assessed against service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code.

2. There shall be added to the fee for a Mixed Beverage/Caterer Combination License an administrative fee, which shall not be deemed to be a license fee, in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be paid at the same time and in the same manner as the license fee prescribed by paragraph 13 of subsection A of this section.

C. Notwithstanding the provisions of subsection A of this section:

1. The license fee for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

1 2. The renewal fee for an airline/railroad/commercial passenger
2 vessel beverage license held by a railroad described in 49 U.S.C.,
3 Section 24301, shall be One Hundred Dollars (\$100.00).

4 D. An applicant may apply for and receive both an on-premises
5 beer and wine license and a caterer license.

6 E. All licenses, except as otherwise provided, shall be valid
7 for one (1) year from date of issuance unless revoked or
8 surrendered. Provided, all employee licenses shall be valid for two
9 (2) years.

10 F. The holder of a license, issued by the ABLE Commission, for
11 a bottle club located in a county of this state where the sale of
12 alcoholic beverages by the individual drink for on-premises
13 consumption has been authorized, may exchange the bottle club
14 license for a mixed beverage license or an on-premises beer and wine
15 license and operate the licensed premises as a mixed beverage
16 establishment or an on-premises beer and wine establishment subject
17 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
18 There shall be no additional fee for such exchange and the mixed
19 beverage license or on-premises beer and wine license issued shall
20 expire one (1) year from the date of issuance of the original bottle
21 club license.

22 G. In addition to the applicable licensing fee, the following
23 surcharge shall be assessed annually on the following licenses:

24 1. Nonresident Seller ~~or Manufacturer~~ License..... \$2,500.00

2. Manufacturer License:

- a. 50 cases or less sold in Oklahoma in
last calendar year..... \$100.00
- b. 51 to 500 cases sold in Oklahoma in
last calendar year..... \$225.00
- c. 501 cases or more sold in Oklahoma in
last calendar year..... \$450.00

3. Wine and Spirits Wholesaler License..... \$2,500.00

~~3.~~ 4. Beer Distributor..... \$1,000.00

~~4.~~ 5. Retail Spirits License for cities and
towns over 5,000 population..... \$250.00

~~5.~~ 6. Retail Spirits License for cities and
towns from 2,501 to 5,000 population..... \$200.00

~~6.~~ 7. Retail Spirits License for cities and
towns from 200 to 2,500 population..... \$150.00

~~7.~~ 8. Retail Wine License..... \$250.00

~~8.~~ 9. Retail Beer License..... \$250.00

~~9.~~ 10. Mixed Beverage License..... \$25.00

~~10.~~ 11. Mixed Beverage/Caterer Combination
License..... \$25.00

~~11.~~ 12. Caterer License..... \$25.00

~~12.~~ 13. On-Premises Beer and Wine License..... \$25.00

~~13.~~ 14. Annual Public Event License..... \$25.00

~~14.~~ 15. Small Farm Winery License..... \$25.00

~~15.~~ 16. Small Brewer License..... \$35.00

~~16.~~ 17. Complimentary Beverage License..... \$25.00

The surcharge shall be paid concurrent with the licensee's annual licensing fee and, in addition to Five Dollars (\$5.00) of the employee license fee, shall be deposited in the Alcoholic Beverage Governance Revolving Fund established pursuant to Section 5-128 of this title.

H. Any license issued by the ABLE Commission under this title may be relied upon by other licensees as a valid license, and no other licensee shall have any obligation to independently determine the validity of such license or be held liable solely as a consequence of another licensee's failure to maintain a valid license.

SECTION 2. This act shall become effective July 1, 2021.

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.

COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED SUBSTANCES, dated 02/22/2021 - DO PASS, As Amended and Coauthored.