

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1233

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-109, which relates to retail spirits license; clarifying authorizations; and declaring an emergency.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, is amended to read as follows:

Section 2-109. A. A retail spirits license shall authorize the holder thereof:

1. To purchase wine or spirits from a wine and spirits wholesaler;

2. To purchase beer from a beer distributor or from the holder of a small brewer self-distribution license;

3. To sell ~~same~~ beer, wine, or spirits, refrigerated or non-refrigerated, on the licensed premises in such containers to consumers for off-premises consumption only and not for resale;

1 provided, spirits, wine and beer may be sold to charitable
2 organizations that are holders of charitable alcoholic beverage
3 auction or charitable alcoholic beverage event licenses; and

4 4. To host alcoholic beverage tastings consistent with
5 subsections D and E of this section.

6 B. A retail wine license shall authorize the holder thereof:

7 1. To purchase wine from a wine and spirits wholesaler;

8 2. To purchase wine from a small farm winemaker who is
9 permitted and has elected to self-distribute as provided in Article
10 XXVIII-A of the Oklahoma Constitution;

11 3. To sell same on the licensed premises in such containers to
12 consumers for off-premises consumption only and not for resale;
13 provided, wine may be sold to charitable organizations that are
14 holders of charitable alcoholic beverage auction or charitable
15 alcoholic beverage event licenses; and

16 4. To host an alcoholic beverage tasting, consistent with
17 subsections D and E of this section.

18 Provided, no holder of a retail wine license may sell wine with
19 alcohol beverage volume in excess of fifteen percent (15%).

20 C. A retail beer license shall authorize the holder thereof:

21 1. To purchase beer from a beer distributor;

22 2. To purchase beer from the holder of a small brewer self-
23 distribution license;

1 3. To sell same on the licensed premises in such containers to
2 consumers for off-premises consumption only and not for resale;
3 provided, beer may be sold to charitable organizations that are
4 holders of charitable alcoholic beverage auction or charitable
5 alcoholic beverage event licenses; and

6 4. To host alcoholic beverage tastings consistent with
7 subsections D and E of this section.

8 Provided, no holder of a retail beer license may sell a malt
9 beverage with alcohol beverage volume in excess of fifteen percent
10 (15%).

11 D. All tastings conducted under this section shall:

12 1. Be conducted under the direct supervision of the licensee
13 authorized to host the tasting;

14 2. Be poured by any ABLE Commission licensee lawfully permitted
15 to serve alcoholic beverages, provided no wine or spirits
16 wholesaler, beer distributor or employee of a wine or spirits
17 wholesaler or beer distributor shall be allowed to pour samples for
18 tastings;

19 3. Use alcoholic beverages purchased by the licensee authorized
20 to host the tastings from a licensed wine and spirits wholesaler,
21 beer distributor, self-distributor, small brewer or self-
22 distributing winery authorized to sell the same, and the licensee
23 shall pay the applicable taxes on the alcoholic beverages purchased;
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1 provided, the licensee may only provide samples of alcoholic
2 beverages that its license is authorized to sell;

3 4. Be restricted to persons twenty-one (21) years of age or
4 older;

5 5. Be limited to no more than one (1) fluid ounce of spirits,
6 two (2) fluid ounces of wine or three (3) fluid ounces of beer per
7 consumer per day; and

8 6. Be consumed on the licensed premises of the licensee
9 authorized to host the tastings or at a location other than the
10 licensed premises, provided no samples served on the licensed
11 premises shall be permitted to be removed from the licensed
12 premises.

13 E. All licensees authorized to serve samples pursuant to
14 subsection D of this section shall ensure that:

15 1. All samples are poured only from original sealed packaging;

16 2. Any alcoholic beverages remaining in unsealed packaging used
17 to provide samples, excluding spirits, are poured out by the end of
18 the day;

19 3. No more than six (6) bottles of alcoholic beverages are
20 unsealed at any given time; and

21 4. No person shall remove any samples from the licensed
22 premises or location where the tasting has occurred.

23 SECTION 2. It being immediately necessary for the preservation
24 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 58-2-2821

MR

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