

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1263

By: Coleman

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6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Sections 2-102 and 2-132, which relate to
9 brewer and brewpub licenses; authorizing licensees to
10 purchase from certain businesses and import beer into
the state in accordance with federal laws and
regulations; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-102, is
14 amended to read as follows:

15 Section 2-102. A. A brewer license shall authorize the holder
16 thereof:

17 1. To manufacture, bottle, package and store beer and cider on
18 the licensed premises; ~~and~~

19 2. To sell beer and cider in this state to holders of beer
20 distributor licenses and to sell beer and cider out of this state to
21 qualified persons; and

22 3. To purchase from licensed brewers, small brewers, and
23 brewpubs in this state, and to import beer into this state for use
24 in manufacturing in accordance with federal laws and regulations.

1 B. A small brewer license shall authorize the holder thereof:

2 1. To manufacture, bottle, package and store beer produced by
3 the licensee on licensed premises;

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

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

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

12 5. To sell beer at public events such as trade shows or
13 festivals;

14 6. To purchase wine in retail containers from the holder of a
15 wholesaler license or as specifically provided by law; ~~and~~

16 7. To sell, offer for sale and possess wine for on-premises
17 consumption; and

18 8. To purchase from licensed brewers, small brewers, and
19 brewpubs in this state, and to import beer into this state for use
20 in manufacturing in accordance with federal laws and regulations.

21 C. The holder of multiple small brewer licenses may sell beer
22 produced at up to three breweries for which the licensee has a
23 license, at any other of such three licensed breweries or on
24 premises located contiguous thereto.

1 D. Nothing in the Alcoholic Beverage Control Act shall prohibit
2 the holder of a small brewer license from also holding or owning an
3 interest in the holder of a brewpub license.

4 E. For purposes of this section, no visitor may sample more
5 than a total of twelve (12) fluid ounces of beer per day. The
6 brewer must restrict the distribution and consumption of beer
7 samples to an area within the licensed premises designated by the
8 brewer. A current floor plan that includes the designated sampling
9 area must be on file with the ABLE Commission. No visitor under
10 twenty-one (21) years of age shall be permitted to enter this
11 designated sampling area when samples are being distributed or
12 consumed. Samples of beer served by a brewery under this section
13 shall not be considered a sale of beer within the meaning of Article
14 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
15 title; however, such samples of beer shall be considered beer
16 removed or withdrawn from the brewery for use or consumption within
17 the meaning of Section 5-110 of this title for excise tax
18 determination and reporting requirements. Sales and sampling may
19 only occur between the hours of 10:00 a.m. and 2:00 a.m.

20 F. A small brewer self-distribution license shall authorize
21 holders of a small brewer license to distribute beer produced only
22 by such licensee to a holder of a retail beer license, retail
23 spirits license, mixed beverage license, beer and wine license,
24 caterer's license, special event license, public event license,

1 charitable auction license or brewpub license. A small brewer shall
2 elect whether it will distribute through a distributor or self-
3 distribute in a subject territory; however, a small brewer may not
4 elect to do both simultaneously in a subject territory. The
5 election shall be made through notice to the ABLE Commission. Any
6 changes to the election shall require immediate notification to the
7 ABLE Commission before the change in election will take effect. A
8 small brewer that elects to self-distribute in multiple territories
9 shall only be required to have one small brewer self-distribution
10 license.

11 G. All manufacturer's licenses held by brewers during the first
12 calendar year beginning October 1, 2018, shall automatically convert
13 to brewer licenses and be deemed effective as of the date of the
14 first issuance of the manufacturer's license. Upon the first
15 renewal of the license, the brewer will need to obtain the
16 appropriate brewer's license. If a brewer elects to market wine and
17 spirits, the brewer will also be required to obtain a manufacturer's
18 license and comply with the rules and regulations for both licenses.

19 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-132, is
20 amended to read as follows:

21 Section 2-132. A. A brewpub license shall authorize a small
22 brewer to:

23 1. Manufacture, bottle, package and store beer on the licensed
24 premises;

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1 2. Sell beer produced by the licensee for either on-premises or
2 off-premises consumption to consumers on the brewery premises, or
3 premises located contiguous thereto;

4 3. Sell beer at public events such as trade shows or festivals;

5 4. Also hold a mixed beverage license, beer and wine license or
6 caterer's license; ~~and~~

7 5. Hold a brewpub self-distribution license; and

8 6. To purchase from licensed brewers, small brewers, and
9 brewpubs in this state, and to import beer into this state for use
10 in manufacturing in accordance with federal laws and regulations.

11 B. A brewpub self-distribution license shall authorize holders
12 of a brewpub license to distribute beer produced only by such
13 licensee and operated by an entity which has common owners with such
14 brewpub licensee, regardless of which place of business brews the
15 beverage. "Common owners" means that the owners at each place or
16 entity together own more than fifty percent (50%) of the interest in
17 each place or entity that holds a type of license listed in this
18 subsection.

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

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