

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1618

By: Bennett

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; creating  
8 craft distiller licenses; providing for authority  
9 pursuant to the licenses; defining terms;  
10 establishing annual licenses fees; providing for  
11 codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2-103.1 of Title 37A, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. A craft distiller license shall authorize the holder thereof  
17 to:

18 1. Manufacture, bottle, package and store spirits produced by  
19 the licensee on licensed premises;

20 2. Sell spirits in this state to licensed wholesalers and to  
21 sell spirits outside this state to qualified persons;

22 3. Serve free samples of spirits produced only by the licensee  
23 to visitors twenty-one (21) years of age and older. For purposes of  
24 this paragraph, no visitor may sample more than a total of three (3)

1 fluid ounces of spirits per day. The distiller shall restrict the  
2 distribution and consumption of samples of spirits to an area within  
3 the licensed premises designated by the distiller. A current floor  
4 plan that includes the designated sampling area shall be on file  
5 with the ABLE Commission. No visitor under twenty-one (21) years of  
6 age shall be permitted to enter the designated sampling area when  
7 samples are being distributed and consumed. Samples of spirits  
8 served by a distiller under this paragraph shall not be considered a  
9 sale of spirits within the meaning of Article XXVIII-A of the  
10 Oklahoma Constitution or Section 1-103 of Title 37A of the Oklahoma  
11 Statutes; provided such samples of spirits shall be considered  
12 removed or withdrawn from the distillery for use or consumption  
13 within the meaning of Section 5-110 of Title 37A of the Oklahoma  
14 Statutes for excise tax determination and reporting requirements.  
15 Sampling may only occur between the hours of 10:00 a.m. and  
16 2:00a.m.;

17 4. Sell spirits produced by the licensee for either on-premises  
18 or off-premises consumption to consumers on the distillery premises,  
19 or on an area controlled by the licensee located contiguous to the  
20 licensed premises. Such sales will incur a fee paid to a  
21 wholesaler, negotiated between the licensee and wholesaler, and be  
22 considered a sale through the wholesaler; and

23 5. Sell spirits at public events such as trade shows or  
24 festivals. Such sales will incur a fee paid to a wholesaler,

1 negotiated between the licensee and wholesaler, and be considered a  
2 sale through the wholesaler.

3 Spirits sold under paragraphs 4 and 5 of this subsection are not  
4 to exceed fifteen thousand (15,000) gallons per calendar year in  
5 combination.

6 B. As used in this act, "craft distiller" means a distillery  
7 that does not annually produce for sale more than one hundred  
8 thousand (100,000) proof gallons of spirits as reported to the  
9 United States Department of the Treasury Alcohol and Tobacco Tax and  
10 Trade Bureau. This is the same definition adopted by the Tax and  
11 Trade Bureau.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2-103.2 of Title 37A, unless  
14 there is created a duplication in numbering, reads as follows:

15 The annual license fees for a craft distiller license issued  
16 pursuant to Section 1 of this act shall be One Hundred Twenty-five  
17 Dollars (\$125.00).

18 SECTION 3. This act shall become effective November 1, 2021.  
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