

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2194

By: Stinson

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 license 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:

- a. no visitor may sample more than a total of three (3) fluid ounces of spirits per day,
- b. the distiller shall restrict the distribution and consumption of samples of spirits to an area within the licensed premises designated by the distiller;
- c. a current floor plan that includes the designated sampling area shall be on file with the Alcohol Beverage Laws Enforcement Commission;
- d. no visitor under twenty-one (21) years of age shall be permitted to enter the designated sampling area when samples are being distributed and consumed.

Samples of spirits served by a distiller under this paragraph shall not be considered to be a sale of spirits within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of Title 37A of the Oklahoma Statutes; provided that such samples of spirits shall be considered removed or withdrawn from the distillery for use or consumption within the meaning of Section 5-110 of Title 37A of the Oklahoma Statutes for excise tax determination and reporting requirements. Sampling may only occur between the hours of 10:00 a.m. and 2:00 a.m.;

4. To sell spirits produced by the licensee for either on-premises or off-premises consumption to consumers on the distillery premises, or on an area controlled by the licensee located contiguous to the licensed premises. Such sale will incur a fee

1 paid to a wholesaler, negotiated between the licensee and
2 wholesaler, and be considered a sale through the wholesaler;

3 5. To sell spirits at public events such as trade shows or
4 festivals. Such sales will incur a fee paid to a wholesaler,
5 negotiated between the licensee and wholesaler, and be considered a
6 sale through the wholesaler; and

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

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

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2-101.1 of Title 37A, unless
18 there is created a duplication in numbering, reads as follows:

19 Craft distiller license \$125

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

21
22 58-1-6335 JL 01/15/21
23
24