

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2213

By: McDugle

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 15, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020, Section 2-103), which relates to distiller licenses; modifying authority of holders of distiller licenses; amending Section 19, Chapter 366, O.S.L. 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S. Supp. 2020, Section 2-107), which relates to wine and spirits; modifying authorized acts of certain wholesalers; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 15, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020, Section 2-103), is amended to read as follows:

Section 2-103. A. A distiller license shall authorize the holder thereof:

1. To manufacture, bottle, package and store spirits on licensed premises;

2. To sell spirits in this state to licensed wholesalers and manufacturers only;

1 3. To sell spirits out of this state to qualified persons; to
2 purchase from licensed distillers and rectifiers in this state, and
3 import spirits from without this state for manufacturing purposes in
4 accordance with federal laws and regulations; ~~and~~

5 4. To serve free samples of spirits produced only by the
6 licensee to visitors twenty-one (21) years of age and older. For
7 purposes of this section, no visitor may sample more than a total of
8 three (3) fluid ounces of spirits per day. The distiller shall
9 restrict the distribution and consumption of spirits samples to an
10 area within the licensed premises designated by the distiller. A
11 current floor plan that includes the designated sampling area shall
12 be on file with the ABLE Commission. No visitor under twenty-one
13 (21) years of age shall be permitted to enter the designated
14 sampling area when samples are being distributed and consumed.
15 Samples of spirits served by a distiller under this section shall
16 not be considered a sale of spirits within the meaning of Article
17 ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution or Section ~~3~~ 1-103 of
18 this ~~act~~ title; provided, such samples of spirits shall be
19 considered removed or withdrawn from the distillery for use or
20 consumption within the meaning of Section ~~113~~ 5-110 of this ~~act~~
21 title for excise tax determination and reporting requirements;

22 5. To sell spirits produced by the licensee for either on-
23 premises or off-premises consumption to consumers on the licensed
24 distillery premises or in an area controlled by the licensee located

1 contiguous to the licensed distillery premises. Such sales shall
2 incur a fee to be paid by the licensee to the wholesaler in an
3 amount negotiated between the licensee and the wholesaler and shall
4 be considered a sale through the wholesaler; and

5 6. To sell spirits at public events such as trade shows or
6 festivals. Such sales shall incur a fee to be paid by the licensee
7 to the wholesaler in an amount negotiated between the licensee and
8 the wholesaler and shall be considered a sale through the
9 wholesaler.

10 B. Spirits sold pursuant to paragraphs 5 and 6 of subsection A
11 of this section shall not exceed fifteen thousand (15,000) US
12 gallons per calendar year in combination.

13 SECTION 2. AMENDATORY Section 19, Chapter 366, O.S.L.
14 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S.
15 Supp. 2020, Section 2-107), is amended to read as follows:

16 Section 2-107. A. A wine and spirits wholesaler license shall
17 authorize the holder thereof:

18 1. To purchase and import into this state spirits and wines
19 from persons authorized to sell same who are the holders of a
20 manufacturer or nonresident seller license, and their agents who are
21 the holders of manufacturer's agent licenses;

22 2. To purchase spirits and wines from licensed distillers,
23 rectifiers and winemakers in this state;

1 3. To purchase spirits and wines from licensed wholesalers, to
2 the extent set forth in subsections B and C of this section;

3 4. To sell in retail containers in this state to retailers,
4 mixed beverage, caterer, special event, public event, hotel beverage
5 or airline/railroad beverage licensees, spirits and wines which have
6 been received and unloaded at the bonded warehouse facilities of the
7 wholesaler before such sale;

8 5. To sell to licensed wholesalers, to the extent set forth in
9 subsections B and C of this section, spirits and wines which have
10 been received and unloaded at the bonded warehouse facilities of the
11 wholesaler before such sale; and

12 6. To sell spirits and wines out of this state to qualified
13 persons; and

14 7. To sell to licensed distillers spirits that were
15 manufactured by that distiller.

16 Provided, however, sales of spirits and wine in containers with a
17 capacity of less than one-twentieth (1/20) gallon by a holder of a
18 wholesaler license shall be in full case lots and in the original
19 unbroken case. Wholesalers shall be authorized to place such signs
20 outside their place of business as are required by Acts of Congress
21 and by such laws and regulations promulgated under such Acts.

22 B. A wholesaler may sell spirits and wine to other wholesalers
23 or purchase spirits and wines from other wholesalers without
24 complying with subsection A of this section in the case of the sale,

1 purchase or other transfer or acquisition of the entire business of
2 a wholesaler, including the inventory of spirits and wine.

3 C. A wholesaler license shall authorize the holder thereof to:

4 1. Maintain not more than three (3) self-owned or leased and
5 self-operated bonded warehouses within this state. All invoices
6 shall be stored at the principal place of business for which the
7 wholesaler license was granted; and

8 2. Accept as payment cash, personal check, cashier's check,
9 money order or electronic fund transfer from persons licensed to
10 purchase alcoholic beverages; provided, a wholesaler shall not be
11 permitted to accept payment by credit card.

12 SECTION 3. This act shall become effective May 1, 2021.

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 58-1-7241 LRB 01/20/21
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