

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3003

By: Bashore

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A  
8 O.S. 2021, Section 1-104, which relates to interim  
9 licenses; providing that a package store may sale  
refrigerated alcoholic seltzer; and providing an  
effective date.

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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 1-104, is  
14 amended to read as follows:

15 Section 1-104. A. The Alcoholic Beverage Laws Enforcement  
16 Commission created in Section 1 of Article XXVIII of the Oklahoma  
17 Constitution is hereby re-created. The purpose of the Commission  
18 shall be to enforce the alcoholic beverage laws of the state, and  
19 the Commission shall have such power and authority to enforce such  
20 laws, rules and regulations as shall be prescribed by the Oklahoma  
21 Alcoholic Beverage Control Act.

22 B. The Commission shall consist of seven (7) members, to be  
23 appointed by the Governor with the advice and consent of the State  
24 Senate; provided, members serving on October 1, 2017, shall continue

1 to serve until such time as their terms would have expired pursuant  
2 to the provisions of Section 1 of Article XXVIII of the Oklahoma  
3 Constitution. Five of the members shall be at-large members  
4 representing the lay citizenry. The remaining two members shall be  
5 persons with law enforcement experience in this state. Any time  
6 there is a vacancy on the Commission, the Governor shall appoint a  
7 replacement, with the advice and consent of the State Senate, within  
8 ninety (90) days.

9 C. Members of the Commission shall be appointed for a term of  
10 five (5) years.

11 D. No more than four members of the Commission shall be  
12 appointed from the same political party. No more than two members  
13 of the Commission shall be appointed from the same federal  
14 congressional district.

15 E. No member of the Commission shall hold any license  
16 authorized by the Oklahoma Alcoholic Beverage Control Act, or have  
17 any interest in any capacity, in the manufacture, sale, distribution  
18 or transportation of alcoholic beverages.

19 F. The members of the Commission shall be removable from office  
20 for cause as other officers not subject to impeachment.

21 G. The Commission shall appoint a Director, whose duties shall  
22 be defined as provided in Section 1-108 of this title.

23 H. The State of Oklahoma shall take all necessary steps to  
24 ensure the timely implementation of Enrolled Senate Joint Resolution

1 No. 68 of the 2nd Session of the 55th Oklahoma Legislature, if  
2 approved by the voters. Consistent with this objective, the ABLE  
3 Commission shall have the power to issue interim licenses prior to  
4 October 1, 2018, as follows:

5 1. Except for the sale of wine or beer to the public, an  
6 interim license shall allow all qualified retail wine and retail  
7 beer licensees to perform all activities permissible under a full  
8 license including but not limited to purchasing, stocking and  
9 storing the wine and/or full-strength beer prior to October 1, 2018.  
10 In order to qualify for an interim license, the licensee must  
11 satisfy all the requirements set forth in Article XXVIII-A of the  
12 Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control  
13 Act. This interim license shall convert to a full license on  
14 October 1, 2018;

15 2. Package stores may install refrigerated coolers for the  
16 storage of beer, alcoholic seltzer, and wine prior to October 1,  
17 2018, provided the refrigerated coolers shall not be used to cool  
18 product below room temperature prior to October 1, 2018; and

19 3. An interim license shall allow all qualified wine and  
20 spirits wholesalers and beer distributors to perform all activities  
21 permissible under a full license including but not limited to  
22 selling and delivering wine and/or full-strength beer to all  
23 qualified retail wine and retail beer licensees. A wine and spirits  
24 wholesaler that has been designated by a manufacturer as a

1 distributor of its wine or spirits may post those designated  
2 products by line-item, consistent with Section 3-116.2 of this  
3 title, on September 15, 2018, for sale effective October 1, 2018.  
4 In order to qualify for an interim license, the wine and spirits  
5 wholesaler and beer distributor must comply with the provisions set  
6 forth in Article XXVIII-A of the Oklahoma Constitution and the  
7 Oklahoma Alcoholic Beverage Control Act. The interim license shall  
8 convert to a full license on October 1, 2018.

9        Provided, however, that a brewer is only permitted to sell beer  
10 or cider to a beer distributor holding a valid interim license  
11 pursuant to this section as follows:

- 12            a.    such sales may begin no sooner than September 1, 2018,
- 13            b.    the beer distributor either must be assigned a beer  
14                distributor territory by the brewer pursuant to a  
15                distributor agreement to begin October 1, 2018, or be  
16                a brewer or an affiliate of a brewer that will be  
17                permitted to distribute beer within two territories  
18                pursuant to the provisions of subsection E of Section  
19                3-108 of this title, and
- 20            c.    the interim license only permits sales to retailers by  
21                the interim licensee either in the distribution  
22                territory as set forth in the distributor agreement or  
23                in the two territories permitted pursuant to the

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1 provisions of subsection E of Section 3-108 of this  
2 title.

3 I. No retail wine or retail beer licensee may sell wine and/or  
4 beer, other than low-point beer, and no package store may sell  
5 refrigerated wine and/or beer, prior to October 1, 2018. The sale  
6 or refrigeration of wine and/or beer in violation of this subsection  
7 shall result in the revocation of the interim license and a monetary  
8 fine of Twenty-five Thousand Dollars (\$25,000.00).

9 SECTION 2. This act shall become effective November 1, 2022.

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11 58-2-9438 JL 12/30/21

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