

1 ENGROSSED HOUSE  
2 BILL NO. 3076

By: Hays of the House

3 and

4 Coleman of the Senate  
5

6 An Act relating to alcoholic beverages; amending 37A  
7 O.S. 2021, Section 1-103, as amended by Section 2,  
8 Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,  
9 Section 1-103), which relates to definitions;  
10 defining term; amending 37A O.S. 2021, Section 2-109,  
11 which relates to retail spirits license; permitting  
12 an employee to sample alcoholic beverages under  
13 certain circumstances; specifying amount to be used  
14 in tastings; providing for procedure of tastings that  
15 shall occur; allowing for certain resealing and  
16 storing; exempting samples from certain excise tax  
17 provisions; amending 37A O.S. 2021, Section 5-132, as  
18 amended by Section 4, Chapter 94, O.S.L. 2023 (37A  
19 O.S. Supp. 2023, Section 5-132), which relates to  
20 brand labels; providing brand label fee for small  
21 batch spirits; amending 37A O.S. 2021, Section 6-105,  
22 as amended by Section 2, Chapter 82, O.S.L. 2022 (37A  
23 O.S. Supp. 2023, Section 6-105), which relates to  
24 prohibited acts of mixed beverage, public event,  
special event, or on-premises beer and wine  
licensees; providing exception; amending 37A O.S.  
2021, Section 6-109, which relates to prohibited  
acts; permitting an employee to sample alcoholic  
beverages under certain circumstances; specifying  
amount to be used in tastings; providing for  
procedure of tastings that shall occur; allowing for  
certain resealing and storing; exempting samples from  
certain excise tax provisions; updating statutory  
language; and updating statutory reference.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
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1       SECTION 1.       AMENDATORY       37A O.S. 2021, Section 1-103, as  
2 amended by Section 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,  
3 Section 1-103), is amended to read as follows:

4       Section 1-103. As used in the Oklahoma Alcoholic Beverage  
5 Control Act:

6       1. "ABLE Commission" or "Commission" means the Alcoholic  
7 Beverage Laws Enforcement Commission;

8       2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl  
9 alcohol, ethanol or spirits of wine, from whatever source or by  
10 whatever process produced. It does not include wood alcohol or  
11 alcohol which has been denatured or produced as denatured in  
12 accordance with Acts of Congress and regulations promulgated  
13 thereunder;

14       3. "Alcoholic beverage" means alcohol, spirits, beer and wine  
15 as those terms are defined herein and also includes every liquid or  
16 solid, patented or not, containing alcohol, spirits, wine or beer  
17 and capable of being consumed as a beverage by human beings;

18       4. "Applicant" means any individual, legal or commercial  
19 business entity, or any individual involved in any legal or  
20 commercial business entity allowed to hold any license issued in  
21 accordance with the Oklahoma Alcoholic Beverage Control Act;

22       5. "Beer" means any beverage containing more than one-half of  
23 one percent (0.50%) of alcohol by volume and obtained by the  
24 alcoholic fermentation of an infusion or decoction of barley, or

1 other grain, sugar, malt or similar products. For the purposes of  
2 taxation, distribution, sales, and regulation, seltzer shall mean  
3 the same as beer as provided in this section. Beer may or may not  
4 contain hops or other vegetable products. Beer includes, among  
5 other things, beer, ale, stout, lager beer, porter, seltzer, and  
6 other malt or brewed liquors, but does not include sake, known as  
7 Japanese rice wine;

8 6. "Beer keg" means any brewer-sealed, single container that  
9 contains not less than four (4) gallons of beer;

10 7. "Beer distributor" means and includes any person licensed to  
11 distribute beer for retail sale in ~~the~~ this state, but does not  
12 include a holder of a small brewer self-distribution license or  
13 brewpub self-distribution license. The term distributor, as used in  
14 the Oklahoma Alcoholic Beverage Control Act, shall be construed to  
15 refer to a beer distributor;

16 8. "Bottle club" means any establishment in a county which has  
17 not authorized the retail sale of alcoholic beverages by the  
18 individual drink, which is required to be licensed to keep, mix and  
19 serve alcoholic beverages belonging to club members on club  
20 premises;

21 9. "Bottle service" means the sale and provision of spirits in  
22 their original packages by a mixed beverage licensee to be consumed  
23 in that mixed beverage licensee's club suite;

1        10. "Brand" means any word, name, group of letters, symbol or  
2 combination thereof, that is adopted and used by a licensed brewer  
3 to identify a specific beer, wine or spirit and to distinguish that  
4 product from another beer, wine or spirit;

5        11. "Brand extension" means:

6            a. after October 1, 2018, any brand of beer or cider  
7 introduced by a manufacturer in this state which  
8 either:

9            (1) incorporates all or a substantial part of the  
10 unique features of a preexisting brand of the  
11 same licensed brewer, or

12           (2) relies to a significant extent on the goodwill  
13 associated with the preexisting brand, or

14           b. any brand of beer that a brewer, the majority of whose  
15 total volume of all brands of beer distributed in this  
16 state by such brewer on January 1, 2016, was  
17 distributed as low-point beer, desires to sell,  
18 introduces, begins selling or theretofore has sold and  
19 desires to continue selling a strong beer in this  
20 state which either:

21           (1) incorporates or incorporated all or a substantial  
22 part of the unique features of a preexisting low-  
23 point beer brand of the same licensed brewer, or  
24

1                   (2)   relies or relied to a significant extent on the  
2                               goodwill associated with a preexisting low-point  
3                               beer brand;

4       12.   "Brewer" means and includes any person who manufactures for  
5 human consumption by the use of raw materials or other ingredients  
6 any beer or cider upon which a license fee and a tax are imposed by  
7 any law of this state;

8       13.   "Brewpub" means a licensed establishment operated on the  
9 premises of, or on premises located contiguous to, a small brewer,  
10 that prepares and serves food and beverages, including alcoholic  
11 beverages, for on-premises consumption;

12       14.   "Cider" means any alcoholic beverage obtained by the  
13 alcoholic fermentation of fruit juice, including but not limited to  
14 flavored, sparkling or carbonated cider. For the purposes of the  
15 manufacture of this product, cider may be manufactured by either  
16 manufacturers or brewers. For the purposes of the distribution of  
17 this product, cider may be distributed by either wine and spirits  
18 wholesalers or beer distributors;

19       15.   "Club suite" means a designated area within the premises of  
20 a mixed beverage licensee designed to provide an exclusive space  
21 which is limited to a patron or patrons specifically granted access  
22 by a mixed beverage licensee and is not accessible to other patrons  
23 of the mixed beverage licensee or the public. A club suite must  
24 have a clearly designated point of access for a patron or patrons

1 specifically granted access by the mixed beverage licensee to ensure  
2 that persons present in the suite are limited to patrons  
3 specifically granted access by the mixed beverage licensee and  
4 employees providing services to the club suite;

5 16. "Convenience store" means any person primarily engaged in  
6 retailing a limited range of general household items and groceries,  
7 with extended hours of operation, whether or not engaged in retail  
8 sales of automotive fuels in combination with such sales;

9 17. "Convicted" and "conviction" mean and include a finding of  
10 guilt resulting from a plea of guilty or nolo contendere, the  
11 decision of a court or magistrate or the verdict of a jury,  
12 irrespective of the pronouncement of judgment or the suspension  
13 thereof;

14 18. "Designated products" means the brands of wine or spirits  
15 offered for sale by a manufacturer that the manufacturer has  
16 assigned to a designated wholesaler for exclusive distribution;

17 19. "Designated wholesaler" means a wine and spirits wholesaler  
18 who has been selected by a manufacturer as a wholesaler appointed to  
19 distribute designated products;

20 20. "Director" means the Director of the ABLE Commission;

21 21. "Distiller" means any person who produces spirits from any  
22 source or substance, or any person who brews or makes mash, wort or  
23 wash, fit for distillation or for the production of spirits (except  
24 a person making or using such material in the authorized production

1 of wine or beer, or the production of vinegar by fermentation), or  
2 any person who by any process separates alcoholic spirits from any  
3 fermented substance, or any person who, making or keeping mash, wort  
4 or wash, has also in his or her possession or use a still;

5 22. "Distributor agreement" means the written agreement between  
6 the distributor and brewer as set forth in Section 3-108 of this  
7 title;

8 23. "Drug store" means a person primarily engaged in retailing  
9 prescription and nonprescription drugs and medicines;

10 24. "Dual-strength beer" means a brand of beer that,  
11 immediately prior to April 15, 2017, was being sold and distributed  
12 in this state:

13 a. as a low-point beer pursuant to the Low-Point Beer  
14 Distribution Act in effect immediately prior to  
15 October 1, 2018, and

16 b. as strong beer pursuant to the Alcoholic Beverage  
17 Control Act in effect immediately prior to October 1,  
18 2018,

19 and continues to be sold and distributed as such on October 1, 2018.  
20 Dual-strength beer does not include a brand of beer that arose as a  
21 result of a brand extension as defined in this section;

22 25. "Fair market value" means the value in the subject  
23 territory covered by the written agreement with the distributor or  
24 wholesaler that would be determined in an arm's length transaction

1 entered into without duress or threat of termination of the  
2 distributor's or wholesaler's rights and shall include all elements  
3 of value, including goodwill and going-concern value;

4 26. "Good cause" means:

- 5 a. failure by the distributor to comply with the material  
6 and reasonable provisions of a written agreement or  
7 understanding with the brewer, or
- 8 b. failure by the distributor to comply with the duty of  
9 good faith;

10 27. "Good faith" means the duty of each party to any  
11 distributor agreement and all officers, employees or agents thereof  
12 to act with honesty in fact and within reasonable standards of fair  
13 dealing in the trade;

14 28. "Grocery store" means a person primarily engaged in  
15 retailing a general line of food, such as canned or frozen foods,  
16 fresh fruits and vegetables, and fresh and prepared meats, fish and  
17 poultry;

18 29. "Hotel" or "motel" means an establishment which is licensed  
19 to sell alcoholic beverages by the individual drink and which  
20 contains ~~guestroom~~ guest room accommodations with respect to which  
21 the predominant relationship existing between the occupants thereof  
22 and the owner or operator of the establishment is that of innkeeper  
23 and guest. For purposes of this section, the existence of other  
24



1 legal relationships as between some occupants and the owner or  
2 operator thereof shall be immaterial;

3 30. "Legal newspaper" means a newspaper meeting the requisites  
4 of a newspaper for publication of legal notices as prescribed in  
5 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

6 31. "Licensee" means any person holding a license under the  
7 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or  
8 employee of such licensee while in the performance of any act or  
9 duty in connection with the licensed business or on the licensed  
10 premises;

11 32. "Low-point beer" shall mean any beverages containing more  
12 than one-half of one percent (1/2 of 1%) alcohol by volume, and not  
13 more than three and two-tenths percent (3.2%) alcohol by weight,  
14 including but not limited to, beer or cereal malt beverages obtained  
15 by the alcoholic fermentation of an infusion by barley or other  
16 grain, malt or similar products;

17 33. "Manufacturer" means a distiller, winemaker, rectifier or  
18 bottler of any alcoholic beverage (other than beer) and its  
19 subsidiaries, affiliates and parent companies;

20 34. "Manufacturer's agent" means a salaried or commissioned  
21 salesperson who is the agent authorized to act on behalf of the  
22 manufacturer or nonresident seller in ~~the~~ this state;

23 35. "Meals" means foods commonly ordered at lunch or dinner and  
24 at least part of which is cooked on the licensed premises and

1 requires the use of dining implements for consumption. Provided,  
2 that the service of only food such as appetizers, sandwiches, salads  
3 or desserts shall not be considered meals;

4 36. "Mini-bar" means a closed container, either refrigerated in  
5 whole or in part, or ~~nonrefrigerated~~ unrefrigerated, and access to  
6 the interior of which is:

- 7 a. restricted by means of a locking device which requires  
8 the use of a key, magnetic card or similar device, or  
9 b. controlled at all times by the licensee;

10 37. "Mixed beverage cooler" means any beverage, by whatever  
11 name designated, consisting of an alcoholic beverage and fruit or  
12 vegetable juice, fruit or vegetable flavorings, dairy products or  
13 carbonated water containing more than one-half of one percent (1/2  
14 of 1%) of alcohol measured by volume but not more than seven percent  
15 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is  
16 packaged in a container not larger than three hundred seventy-five  
17 (375) milliliters. Such term shall include but not be limited to  
18 the beverage popularly known as a "wine cooler";

19 38. "Mixed beverages" means one or more servings of a beverage  
20 composed in whole or in part of an alcoholic beverage in a sealed or  
21 unsealed container of any legal size for consumption on the premises  
22 where served or sold by the holder of a mixed beverage, beer and  
23 wine, caterer, public event, charitable event or special event  
24 license;

1        39. "Motion picture theater" means an establishment which is  
2 licensed by Section 2-110 of this title to sell alcoholic beverages  
3 by the individual drink and where motion pictures are exhibited, and  
4 to which the general public is admitted;

5        40. "Nondesignated products" means the brands of wine or  
6 spirits offered for sale by a manufacturer that have not been  
7 assigned to a designated wholesaler;

8        41. "Nonresident seller" means any person licensed pursuant to  
9 Section 2-135 of this title;

10       42. "Retail salesperson" means a salesperson soliciting orders  
11 from and calling upon retail alcoholic beverage stores with regard  
12 to his or her product;

13       43. "Occupation" as used in connection with "occupation tax"  
14 means the sites occupied as the places of business of the  
15 manufacturers, brewers, wholesalers, beer distributors, retailers,  
16 mixed beverage licensees, on-premises beer and wine licensees,  
17 bottle clubs, caterers, public event and special event licensees;

18       44. "Original package" means any container of alcoholic  
19 beverage filled and stamped or sealed by the manufacturer or brewer;

20       45. "Package store" means any sole proprietor or partnership  
21 that qualifies to sell wine, beer and/or spirits for off-premises  
22 consumption and that is not a grocery store, convenience store or  
23 drug store, or other retail outlet that is not permitted to sell  
24 wine or beer for off-premises consumption;

1       46. "Patron" means any person, customer or visitor who is not  
2 employed by a licensee or who is not a licensee;

3       47. "Person" means an individual, any type of partnership,  
4 corporation, association, limited liability company or any  
5 individual involved in the legal structure of any such business  
6 entity;

7       48. "Premises" means the grounds and all buildings and  
8 appurtenances pertaining to the grounds including any adjacent  
9 premises if under the direct or indirect control of the licensee and  
10 the rooms and equipment under the control of the licensee and used  
11 in connection with or in furtherance of the business covered by a  
12 license. Provided that the ABLE Commission shall have the authority  
13 to designate areas to be excluded from the licensed premises solely  
14 for the purpose of:

15           a. allowing the presence and consumption of alcoholic  
16           beverages by private parties which are closed to the  
17           general public, or

18           b. allowing the services of a caterer serving alcoholic  
19           beverages provided by a private party.

20 This exception shall in no way limit the licensee's concurrent  
21 responsibility for any violations of the Oklahoma Alcoholic Beverage  
22 Control Act occurring on the licensed premises;

23       49. "Private event" means a social gathering or event attended  
24 by invited guests who share a common cause, membership, business or

1 task and have a prior established relationship. For purposes of  
2 this definition, advertisement for general public attendance or  
3 sales of tickets to the general public shall not constitute a  
4 private event;

5 50. "Public event" means any event that can be attended by the  
6 general public;

7 51. "Rectifier" means any person who rectifies, purifies or  
8 refines spirits or wines by any process (other than by original and  
9 continuous distillation, or original and continuous processing, from  
10 mash, wort, wash or other substance, through continuous closed  
11 vessels and pipes, until the production thereof is complete), and  
12 any person who, without rectifying, purifying or refining spirits,  
13 shall by mixing (except for immediate consumption on the premises  
14 where mixed) such spirits, wine or other liquor with any material,  
15 manufactures any spurious, imitation or compound liquors for sale,  
16 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials  
17 or any other name;

18 52. "Regulation" or "rule" means a formal rule of general  
19 application promulgated by the ABLE Commission as herein required;

20 53. "Restaurant" means an establishment that is licensed to  
21 sell alcoholic beverages by the individual drink for on-premises  
22 consumption and where food is prepared and sold for immediate  
23 consumption on the premises;

1        54. "Retail container for spirits and wines" means an original  
2 package of any capacity approved by the United States Bureau of  
3 Alcohol, Tobacco, Firearms and Explosives;

4        55. "Retailer" means a package store, grocery store,  
5 convenience store or drug store licensed to sell alcoholic beverages  
6 for off-premises consumption pursuant to a ~~Retail Spirits License~~  
7 retail spirits license, ~~Retail Wine License~~ retail wine license or  
8 ~~Retail Beer License~~ retail beer license;

9        56. "Sale" means any transfer, exchange or barter in any manner  
10 or by any means whatsoever, and includes and means all sales made by  
11 any person, whether as principal, proprietor or as an agent, servant  
12 or employee. The term sale is also declared to be and include the  
13 use or consumption in this state of any alcoholic beverage obtained  
14 within or imported from without this state, upon which the excise  
15 tax levied by the Oklahoma Alcoholic Beverage Control Act has not  
16 been paid or exempted;

17        57. "Seltzer" means any beverage containing more than one-half  
18 of one percent (0.50%) of alcohol by volume and obtained by the  
19 alcoholic fermentation of malt, rice, grain of any kind, bran,  
20 glucose, sugar, or molasses and combined with carbonated water and  
21 other flavoring and labeled as "beer" by the Internal Revenue Code;  
22 provided, that seltzer shall not include carbonated beverages mixed  
23 with wine or spirits;

1        58. "Short-order food" means food other than full meals  
2 including but not limited to sandwiches, soups and salads. Provided  
3 that popcorn, chips and other similar snack food shall not be  
4 considered short-order food;

5        59. "Small brewer" means a brewer who manufactures less than  
6 sixty-five thousand (65,000) barrels of beer annually pursuant to a  
7 validly issued ~~Small Brewer License~~ small brewer license hereunder;

8        60. "Small farm wine" means a wine that is produced by a small  
9 farm winery with seventy-five percent (75%) or more Oklahoma-grown  
10 grapes, berries, other fruits, honey or vegetables;

11       61. "Small farm winery" means a wine-making establishment that  
12 does not annually produce for sale more than fifteen thousand  
13 (15,000) gallons of wine as reported on the United States Department  
14 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of  
15 Wine Premises Operations (TTB Form 5120.17);

16       62. "Sparkling wine" means champagne or any artificially  
17 carbonated wine;

18       63. "Special event" means an entertainment, recreation or  
19 marketing event that occurs at a single location on an irregular  
20 basis and at which alcoholic beverages are sold;

21       64. "Spirits" means any beverage other than wine or beer, which  
22 contains more than one-half of one percent (1/2 of 1%) alcohol  
23 measured by volume, and obtained by distillation, whether or not  
24 mixed with other substances in solution and includes those products

1 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
2 fortified wines and similar compounds, but shall not include any  
3 alcohol liquid completely denatured in accordance with the Acts of  
4 Congress and regulations pursuant thereto;

5 65. "Strong beer" means beer which, prior to October 1, 2018,  
6 was distributed pursuant to the Oklahoma Alcoholic Beverage Control  
7 Act, Section 1-101 et seq. of this title;

8 66. "Successor brewer" means a primary source of supply, a  
9 brewer, a cider manufacturer or an importer that acquires rights to  
10 a beer or cider brand from a predecessor brewer;

11 67. "Tax Commission" means the Oklahoma Tax Commission;

12 68. "Territory" means a geographic region with a specified  
13 boundary;

14 69. "Wine and spirits wholesaler" or "wine and spirits  
15 distributor" means and includes any sole proprietorship or  
16 partnership licensed to distribute wine and spirits in ~~the~~ this  
17 state. The term "wholesaler", as used in the Oklahoma Alcoholic  
18 Beverage Control Act, shall be construed to refer to a wine and  
19 spirits wholesaler;

20 70. "Wine" means and includes any beverage containing more than  
21 one-half of one percent (1/2 of 1%) alcohol by volume and not more  
22 than twenty-four percent (24%) alcohol by volume at sixty (60)  
23 degrees Fahrenheit obtained by the fermentation of the natural  
24 contents of fruits, vegetables, honey, milk or other products



1 containing sugar, whether or not other ingredients are added, and  
2 includes vermouth and sake, known as Japanese rice wine;

3 71. "Winemaker" means and includes any person or establishment  
4 who manufactures for human consumption any wine upon which a license  
5 fee and a tax are imposed by any law of this state; ~~and~~

6 72. "Satellite tasting room" means a licensed establishment  
7 operated off the licensed premises of the holder of a small farm  
8 winery or winemaker license, which serves wine for on-premises or  
9 off-premises consumption; and

10 73. "Straw testing" means the consumption of a de minimis  
11 amount of an alcoholic beverage by sanitary means by the holder of  
12 an employee license, twenty-one (21) years of age or older, to  
13 determine the quality or desired flavor profile of such alcoholic  
14 beverage that has been serviced, or is to be served, to a patron.

15 Words in the plural include the singular, and vice versa, and  
16 words imparting the masculine gender include the feminine, as well  
17 as persons and licensees as defined in this section.

18 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-109, is  
19 amended to read as follows:

20 Section 2-109. A. A retail spirits license shall authorize the  
21 holder thereof:

22 1. To purchase wine or spirits from a wine and spirits  
23 wholesaler;

1        2. To purchase beer from a beer distributor or from the holder  
2 of a small brewer self-distribution license;

3        3. To sell same on the licensed premises in such containers to  
4 consumers for off-premises consumption only and not for resale;  
5 provided, spirits, wine and beer may be sold to charitable  
6 organizations that are holders of charitable alcoholic beverage  
7 auction or charitable alcoholic beverage event licenses; and

8        4. To host alcoholic beverage tastings consistent with  
9 subsections D and E of this section.

10       B. A retail wine license shall authorize the holder thereof:

11       1. To purchase wine from a wine and spirits wholesaler;

12       2. To purchase wine from a small farm winemaker who is  
13 permitted and has elected to self-distribute as provided in Article  
14 XXVIII-A of the Oklahoma Constitution;

15       3. To sell same on the licensed premises in such containers to  
16 consumers for off-premises consumption only and not for resale;  
17 provided, wine may be sold to charitable organizations that are  
18 holders of charitable alcoholic beverage auction or charitable  
19 alcoholic beverage event licenses; and

20       4. To host an alcoholic beverage tasting, consistent with  
21 subsections D and E of this section.

22       Provided, no holder of a retail wine license may sell wine with  
23 alcohol beverage volume in excess of fifteen percent (15%).

24       C. A retail beer license shall authorize the holder thereof:

1        1. To purchase beer from a beer distributor;

2        2. To purchase beer from the holder of a small brewer self-  
3 distribution license;

4        3. To sell same on the licensed premises in such containers to  
5 consumers for off-premises consumption only and not for resale;  
6 provided, beer may be sold to charitable organizations that are  
7 holders of charitable alcoholic beverage auction or charitable  
8 alcoholic beverage event licenses; and

9        4. To host alcoholic beverage tastings consistent with  
10 subsections D and E of this section.

11        Provided, no holder of a retail beer license may sell a malt  
12 beverage with alcohol beverage volume in excess of fifteen percent  
13 (15%).

14        D. All tastings conducted under this section shall:

15        1. Be conducted under the direct supervision of the licensee  
16 authorized to host the tasting;

17        2. Be poured by any ABLE Commission licensee lawfully permitted  
18 to serve alcoholic beverages, provided no wine or spirits  
19 wholesaler, beer distributor or employee of a wine or spirits  
20 wholesaler or beer distributor shall be allowed to pour samples for  
21 tastings;

22        3. Use alcoholic beverages purchased by the licensee authorized  
23 to host the tastings from a licensed wine and spirits wholesaler,  
24 beer distributor, self-distributor, small brewer or self-

1 distributing winery authorized to sell the same, and the licensee  
2 shall pay the applicable taxes on the alcoholic beverages purchased;  
3 provided, the licensee may only provide samples of alcoholic  
4 beverages that its license is authorized to sell;

5 4. Be restricted to persons twenty-one (21) years of age or  
6 older;

7 5. Be limited to no more than one (1) fluid ounce of spirits,  
8 two (2) fluid ounces of wine or three (3) fluid ounces of beer per  
9 consumer per day; and

10 6. Be consumed on the licensed premises of the licensee  
11 authorized to host the tastings or at a location other than the  
12 licensed premises, provided no samples served on the licensed  
13 premises shall be permitted to be removed from the licensed  
14 premises.

15 E. All licensees authorized to serve samples pursuant to  
16 subsection D of this section shall ensure that:

17 1. All samples are poured only from original sealed packaging;

18 2. Any alcoholic beverages remaining in unsealed packaging used  
19 to provide samples, excluding spirits, are poured out by the end of  
20 the day;

21 3. No more than six (6) bottles of alcoholic beverages are  
22 unsealed at any given time; and

23 4. No person shall remove any samples from the licensed  
24 premises or location where the tasting has occurred.

1       F. 1. Retail spirits, retail wine, and retail beer licensees  
2 shall be authorized to host educational alcoholic beverage training,  
3 which includes tastings, for employees who are licensed to sell such  
4 beverages on the licensed premises in such containers to consumers  
5 for off-premises consumption only. Alcoholic beverages for training  
6 purposes may be provided by wine and spirits wholesaler licensees  
7 and beer distributor licensees.

8       2. All such tastings shall be consumed on licensed premises of  
9 the licensee authorized to host the tastings or at a location other  
10 than the licensed premises, and under the direct supervision of the  
11 licensee. Samples shall be poured by a licensee who is lawfully  
12 permitted to serve alcoholic beverages on the licensed premises in  
13 such containers to consumers for off-premises consumption only in  
14 this state. Tastings shall be restricted to employees who are  
15 twenty-one (21) years of age or older. Participation in tastings  
16 for educational purposes may be required by an employer; however,  
17 the choice to taste or consume alcoholic beverages shall always be  
18 voluntary. No employee may be required to taste or consume alcohol  
19 at tastings as a condition of employment.

20       3. An educational tasting of beer may consist of not more than  
21 six separate individual beers of not more than two (2) ounces each,  
22 served together at one time. No employee may sample more than a  
23 total of twelve (12) fluid ounces of beer per day. An educational  
24 tasting of wine may consist of not more than six separate individual

1 wines of not more than one (1) ounce each, served together at one  
2 time. No employee may sample more than a total of six (6) fluid  
3 ounces of wine per day. An educational tasting of spirits shall  
4 consist of not more than three separate individual spirits of not  
5 more than one-half (0.5) ounce each, served together at one time.  
6 No employee may sample more than a total of one and one-half (1.5)  
7 fluid ounces of spirits per day. No employee may sample more than a  
8 total of twelve (12) ounces of beer, six (6) ounces of wine, or one  
9 and one-half (1.5) ounces of spirits per day. Only one type of  
10 alcoholic beverage of beer, wine, or spirits shall be allowed at any  
11 education training tasting. No combination tasting shall be  
12 allowed. Employees who choose to taste an alcoholic beverage but do  
13 not wish to consume the alcoholic beverage shall be allowed to spit  
14 the beverage into a cup for disposal. Employees may participate in  
15 educational tastings before, during, or after regular business hours  
16 unless otherwise prohibited by law. All licensees serving samples  
17 of beer shall ensure that all samples are poured only from original  
18 sealed packaging and any alcoholic beverages remaining in unsealed  
19 packaging used to provide samples, excluding spirits and wine, are  
20 poured out by the end of the day. No more than six bottles of  
21 alcoholic beverages may be unsealed at any given time during a  
22 tasting. All packaging containing samples of wine and spirits shall  
23 be clearly marked as a sample and any unused portions of the sample  
24 of wine or spirits shall be resealed and retained by the wine and

spirits wholesaler for use at the next tasting authorized in this paragraph. Wine and spirits wholesaler employees may transport any resealed samples of wine and spirits in their vehicles. Beer, wine and spirits samples shall not be considered withdrawn from the inventory of the beer distributor or wine and spirits wholesaler for purposes of the collection of the excise tax on beer, wine and spirits. Tastings offered to licensees by wine and spirits wholesalers and beer distributors shall not be deemed discrimination or an inducement under Section 3-123 of this title.

SECTION 3. AMENDATORY 37A O.S. 2021, Section 5-132, as amended by Section 4, Chapter 94, O.S.L. 2023 (37A O.S. Supp. 2023, Section 5-132), is amended to read as follows:

Section 5-132. A. Except as provided in subsection D of this section, no alcoholic beverage shall be labeled, offered or advertised for sale in this state unless in accordance with rules promulgated pursuant to the provisions of Section 5-130 of this title and unless the brand label shall have been registered with and approved by the ABLE Commission and the appropriate fee paid as provided for in this section.

B. An application for registration of a brand label shall be filed by and fees paid by the manufacturer or brewer, winemaker, distiller or nonresident seller of the brand. Licensees, other than the foregoing applicants, shall not be required to verify registration to the ABLE Commission and shall not be penalized for

1 any applicant's failure to register its brand label in accordance  
2 with this section. Cordials and wines which differ only as to age  
3 or vintage year, as defined by such rules, shall be considered the  
4 same brand, and those that differ as to type or class may be  
5 considered the same brand by the ABLE Commission where consistent  
6 with the purposes of this section.

7 C. The application for registration of a brand label shall be  
8 filed on a form prescribed by the ABLE Commission, and shall contain  
9 such information as the ABLE Commission shall require. Such  
10 application shall be accompanied by a certified check, bank  
11 officers' check or draft or money order in the amount of the annual  
12 registration fee, or the properly prorated portion thereof  
13 prescribed by this section.

14 D. 1. The annual fee for registration of any brand label for  
15 spirits shall be Three Hundred Seventy-five Dollars (\$375.00),  
16 unless the total amount of spirits made available for sale in a  
17 single year is no greater than fifty-three (53) gallons, in which  
18 case the annual fee for registration of any brand label shall be  
19 Seventy-five Dollars (\$75.00). The annual fee for registration of  
20 any brand label for beer shall be Two Hundred Dollars (\$200.00).  
21 The annual fee for registration of any brand label for wine made in  
22 the United States, or for registration of any category of imported  
23 wine as defined by the Tax Commission, shall be Two Hundred Dollars



1 (\$200.00). Beer manufactured in this state shall be exempt from  
2 brand label registration fees.

3 2. Each brand label registered and approved pursuant to this  
4 section shall be valid for a term of up to one (1) year, expiring on  
5 the June 30 next following registration, and may be renewed for  
6 subsequent terms of one (1) year beginning on the July 1 following  
7 the initial registration. Brand registration fees for labels  
8 registered after July 1 may be prorated through the following June  
9 30 on a quarterly basis. The brand registration fee shall not be  
10 transferable, unless otherwise allowed by law. A nonresident seller  
11 who registered brands prior to May 7, 2019, may transfer brand  
12 registrations to the brewer or manufacturer that produces those  
13 brands, provided the brewer or manufacturer has obtained a license,  
14 at no expense to the nonresident seller, brewer or manufacturer.

15 E. If the ABLE Commission shall deny the application for  
16 registration of a brand label, it shall return the registration fee  
17 to the applicant, less twenty-five percent (25%) of such fee.

18 F. The ABLE Commission may at any time exempt any discontinued  
19 brand from fee provisions of this section where a manufacturer,  
20 brewer, beer distributor or wholesaler has an inventory of one  
21 hundred cases or less of liquor or wine and five hundred cases or  
22 less of beer, and certifies to the ABLE Commission in writing that  
23 such brand is being discontinued.

1 G. No private labels or control labels shall be approved for  
2 sale in this state, except for charity collaboration beer as  
3 authorized in Section 2-102.1 of this title.

4 SECTION 4. AMENDATORY 37A O.S. 2021, Section 6-105, as  
5 amended by Section 2, Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2023,  
6 Section 6-105), is amended to read as follows:

7 Section 6-105. No mixed beverage, public event, special event  
8 or on-premises beer and wine licensee shall:

9 1. Purchase or receive any alcoholic beverage other than from a  
10 person holding a wine and ~~spirit~~ spirits wholesaler or beer  
11 distributor license issued pursuant to the Oklahoma Alcoholic  
12 Beverage Control Act; provided, a mixed beverage or on-premises beer  
13 and wine licensee whose premises are a restaurant may purchase wine  
14 produced at wineries in this state directly from a winemaker as  
15 provided in Section 2 of Article ~~XXVIII~~ XXVIII-A of the Oklahoma  
16 Constitution;

17 2. Transport alcoholic beverages from the place of purchase to  
18 the licensed premises unless the licensee also holds a private  
19 carrier license issued by the ABLE Commission;

20 3. Use or allow the use of any mark or label on a container of  
21 alcoholic beverage which is kept for sale which does not clearly and  
22 precisely indicate the nature of the contents or which might deceive  
23 or conceal the nature, composition, quantity, age or quality of such  
24 beverage;

1        4. Keep or knowingly permit any alcoholic beverage to be kept,  
2 brought or consumed on the licensed premises which is not allowed to  
3 be sold or served upon such premises; provided, that the alcoholic  
4 beverage may be provided by a wine and spirits wholesaler, beer  
5 distributor, brewer, small brewer, distiller, winemaker, small farm  
6 winery, rectifier, manufacturer, or nonresident seller licensee and  
7 kept, brought, or consumed on the licensed premises for educational  
8 training tasting purposes pursuant to Section 4 of this act; or

9        5. Allow any person under twenty-one (21) years of age to enter  
10 into, remain within or loiter about the designated bar area of the  
11 licensed premises, except for persons who incidentally pass through  
12 the designated area.

13        The prohibition in this subsection against persons under twenty-  
14 one (21) years of age entering or remaining within the designated  
15 bar area of the licensed premises shall not apply:

- 16            a. if the licensed premises are closed to the public  
17                during a time the premises are legally permitted to be  
18                open for business and the premises are used for a  
19                private party at which alcoholic beverages may be  
20                served to persons twenty-one (21) years of age or  
21                older. Any alcoholic beverages served at a private  
22                party on the licensed premises may be purchased from  
23                the licensee at a negotiated price or purchased  
24                privately and served at the private party on the

1 licensed premises. Any licensee who desires to  
2 conduct such a private party shall notify the ABLE  
3 Commission, in writing, at least ten (10) calendar  
4 days prior to the private party. The notification  
5 shall include the date, time and purpose of the  
6 private party and any other information the ABLE  
7 Commission may deem necessary,

8 b. to a designated bar area which is a concession stand  
9 serving beer and wine, in addition to food and non-  
10 alcoholic beverages, which concession stand is located  
11 at, in, or on the premises of a sports, music or  
12 entertainment venue, convention center, fairgrounds or  
13 similar facility, or

14 c. to an employee of a beer distributor or wine and  
15 spirits wholesaler who is at least eighteen (18) years  
16 of age and enters for the purpose of merchandising or  
17 delivering product to the licensee in the normal  
18 course of business.

19 SECTION 5. AMENDATORY 37A O.S. 2021, Section 6-109, is  
20 amended to read as follows:

21 Section 6-109. No mixed beverage, beer and wine, bottle club,  
22 caterer, charitable event, public event or special event licensee or  
23 any employee, manager, operator or agent thereof shall:  
24

1        1. Consume or be under the influence of alcoholic beverages  
2 during the hours he or she is on duty. For the purposes of this  
3 section, licensees will be deemed to be on duty from the time the  
4 licensee first comes on duty until the time the licensee goes off  
5 duty at the end of the shift including any break periods permitted  
6 by management. This paragraph shall not apply for purposes of  
7 employee education training; provided, that:

8            a. all tastings are conducted on a licensed premises and  
9            under the direct supervision of the licensee,

10          b. all samples shall be poured by a licensee who is  
11          lawfully permitted to serve alcoholic beverages in  
12          this state,

13          c. all tastings shall be restricted to employees who are  
14          twenty-one (21) years of age or older,

15          d. all participation in tastings for educational purposes  
16          may be required by an employer; however, the choice to  
17          taste or consume alcoholic beverages shall always be  
18          voluntary, and

19          e. no employee may be required to taste or consume  
20          alcohol at tastings as a condition of employment.

21        An educational tasting of beer may consist of not more than six  
22        separate individual beers of not more than two (2) ounces each,  
23        served together at one time. No employee may sample more than a  
24        total of twelve (12) fluid ounces of beer per day. An educational

1 tasting of wine may consist of not more than six separate individual  
2 wines of not more than one (1) ounce each, served together at one  
3 time. No employee may sample more than a total of six (6) fluid  
4 ounces of wine per day. An educational tasting of spirits shall  
5 consist of not more than three separate individual spirits of not  
6 more than one-half (0.5) ounce each, served together at one time.  
7 No employee may sample more than a total of one and one-half (1.5)  
8 fluid ounces of spirits per day. An education tasting of a mixed  
9 beverage shall consist of not more than one individual mixed  
10 beverage consisting of not more than twelve (12) ounces of beer, six  
11 (6) ounces of wine, or one and one-half (1.5) ounces of spirits,  
12 combined with an unlimited amount of ingredients that are non-  
13 alcoholic in nature, served at one time. No employee may sample  
14 more than a total of twelve (12) ounces of beer, six (6) ounces of  
15 wine, or one and one-half (1.5) ounces of spirits in a mixed  
16 beverage per day. Only one type of alcoholic beverage, beer, wine,  
17 spirits, or mixed beverage shall be allowed at any educational  
18 training tasting. No combination tasting shall be allowed.  
19 Employees who choose to taste an alcoholic beverage but do not wish  
20 to consume the alcoholic beverage shall be allowed to spit the  
21 beverage into a cup for disposal. Employees may participate in  
22 educational tastings before, during, or after regular business hours  
23 unless otherwise prohibited by law. All licensees serving samples  
24 of beer shall ensure that all samples are poured only from original

1 sealed packaging and any alcoholic beverages remaining in unsealed  
2 packaging used to provide samples, excluding spirits and wine, are  
3 poured out by the end of the day. No more than six bottles of  
4 alcoholic beverages may be unsealed at any given time during a  
5 tasting. All packaging containing samples of wine and spirits shall  
6 be clearly marked as a sample and any unused portions of the sample  
7 of wine or spirits shall be resealed and retained by the wine and  
8 spirits wholesaler for use at the next tasting authorized in this  
9 paragraph. Wine and spirits wholesaler employees may transport any  
10 resealed samples of wine and spirits in their vehicles. Beer, wine  
11 and spirits samples shall not be considered withdrawn from the  
12 inventory of the beer distributor or wine and spirits wholesaler for  
13 purposes of the collection of the excise tax on beer, wine and  
14 spirits. Straw testing during operating hours shall be permitted.  
15 Tastings offered to licensees by wine and spirits wholesalers and  
16 beer distributors shall not be deemed discrimination or an  
17 inducement under Section 3-123 of this title. This paragraph shall  
18 not apply to any person who works on the premises as an entertainer  
19 only;

20 2. Permit or tolerate any conduct or language which is intended  
21 to threaten another with physical harm or any fighting or offensive  
22 physical contact, in or upon the licensed premises or areas just  
23 outside the licensed premises which are controlled by the licensee;

1        3. Permit empty or discarded alcoholic beverage containers to  
2 be in public view outside the licensed premises. All empty or  
3 discarded containers shall be disposed of in accordance with ABLE  
4 Commission rules and regulations;

5        4. Permit any illegal gambling activity, violations of the  
6 state narcotic and dangerous drug laws, prostitution activity or any  
7 other criminal conduct to occur on the licensed premises;

8        5. Refuse or fail to promptly open a door to the licensed  
9 premises upon request of an employee of the ABLE Commission or any  
10 other peace officer to enter the premises when the licensee or  
11 employee knows or should know that such request is made by an  
12 employee of the ABLE Commission or a peace officer. This provision  
13 shall not be construed to deny employees of the ABLE Commission or  
14 peace officers access at any time to any licensed premises;

15       6. Permit a sealed or unsealed container of alcoholic beverage  
16 to be removed from the licensed premises. Provided, that  
17 restaurants, hotels and motels may permit the removal of closed  
18 original wine containers the contents of which have been partially  
19 consumed and bottle clubs may permit the removal by a club member of  
20 closed original containers of alcoholic beverages belonging to  
21 members. The provisions of this paragraph shall not be construed to  
22 prohibit or restrict:

23           a. hotels or motels who are holders of mixed beverage or  
24           on-premises beer and wine licenses from allowing



1           alcoholic beverages to be served away from the bar  
2           area anywhere on the licensed premises,

3           b.   licensees, who are lawfully operating in a facility or  
4           on property owned or operated by any agency, political  
5           subdivision or public trust of this state, from  
6           allowing persons to transport alcoholic beverages from  
7           one licensed premises to another within the same  
8           building or property, provided that the building or  
9           property or a part thereof is defined as a common  
10          drinking area for consumption of alcohol by resolution  
11          of the governing body of the agency, political  
12          subdivision or public trust of this state, ~~or~~

13          c.   licensees, who are licensed to operate in a facility  
14          or on property owned or operated by any agency,  
15          political subdivision or public trust of this state,  
16          from allowing other licensees to operate on their  
17          licensed premises for events that are temporary in  
18          nature. In the event that multiple licensees are  
19          operating in a facility or on property owned or  
20          operated by any agency, political subdivision or  
21          public trust of this state, each licensee shall be  
22          responsible for violations occurring in their area  
23          designated to be their temporary licensed premises~~+~~L

24          or

1           d.    licensees, who are lawfully operating in a facility or  
2               property intended for multiple licensed premises  
3               within the facility and which also contains a common  
4               use area, from allowing persons to transport alcoholic  
5               beverages within the entire premises, which shall be  
6               designated by the ABLE Commission as a common drinking  
7               area for the consumption of alcoholic beverages.  
8               Provided, further, the property owner and all  
9               licensees licensed within the facility or property  
10              desiring the entire premises be designated a common  
11              drinking area shall notify the ABLE Commission in  
12              writing of their consent prior to such area being  
13              designated a common drinking area; or

14           7.   Destroy, damage, alter, remove or conceal potential  
15   evidence, or attempt to do so, or refuse to surrender evidence when  
16   lawfully requested to do so by an inspector, agent or any other  
17   peace officer or incite another person to do any of the above.

1 Passed the House of Representatives the 11th day of March, 2024.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate