

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2084

By: Archer, **Caldwell (Chad)**,  
and **Fugate** of the House

and

**Howard** of the Senate

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to alcoholic beverages; amending 37A  
12           O.S. 2021, Section 2-104, which relates to winemaker  
13           license; providing requirements for wine to be sold  
14           for off-premises consumption; and providing an  
15           effective date.

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

17           SECTION 1.           AMENDATORY           37A O.S. 2021, Section 2-104, is  
18           amended to read as follows:

19           Section 2-104. A winemaker license shall authorize the holder  
20           thereof:

21           1. To manufacture (including such mixing, blending and cellar  
22           treatment as authorized by federal law), bottle, package and store  
23           on licensed premises wine containing not more than twenty-four  
24           percent (24%) alcohol by volume, provided the bottle or package

1 sizes authorized shall be limited to the capacities approved by the  
2 United States Alcohol and Tobacco Tax and Trade Bureau;

3 2. To sell wine in this state to licensed wholesalers and  
4 manufacturers;

5 3. To sell wine produced at the winery from grapes and other  
6 fruits and berries grown in this state, if available, for either on-  
7 premises or off-premises consumption to consumers on the premises of  
8 the winery. Wine sold for off-premises consumption must meet the  
9 following requirements:

10 a. must be in a sealed container by a winemaker license  
11 at the wine maker licensee's premises, and

12 b. the wine is transferred within the licensed premises  
13 by an employee of the licensee who:

14 (1) is at least eighteen (18) years of age,

15 (2) upon delivery, verifies the age of the person to  
16 whom the wine is being delivered.

17 If the employee delivering the drink is not able to safely  
18 verify a person's age or level of intoxication upon  
19 delivery, the employee shall cancel the sale of alcohol and  
20 return the product to the license holder;

21 4. To serve free samples of wine produced at the winery to  
22 visitors twenty-one (21) years of age and older. For purposes of  
23 this section, no visitor may sample more than a total of six (6)  
24 fluid ounces of wine per day. The winery shall restrict the

1 distribution and consumption of wine samples to an area within the  
2 licensed premises designated by the winery. A current floor plan  
3 that includes the designated sampling area shall be on file with the  
4 ABLE Commission. No visitor under twenty-one (21) years of age  
5 shall be permitted to enter the designated sampling area when  
6 samples are being distributed and consumed. Samples of wine served  
7 by a winery under this section shall not be considered a sale of  
8 wine within the meaning of Article XXVIII-A of the Oklahoma  
9 Constitution or Section 1-103 of this title; provided, such samples  
10 of wine shall be considered removed or withdrawn from the winery for  
11 use or consumption within the meaning of Section 5-110 of this title  
12 for excise tax determination and reporting requirements;

13 5. To serve free samples of wine produced at the winery at  
14 public events such as festivals and trade shows;

15 6. To sell wine produced at the winery, for either on-premises  
16 or off-premises consumption at public events such as festivals and  
17 trade shows;

18 7. To sell wine out of this state to qualified persons;

19 8. To purchase from licensed winemakers, distillers and  
20 rectifiers in this state, and to import into this state wine, brandy  
21 and fruit spirits for use in manufacturing in accordance with  
22 federal laws and regulations;

23 9. To sell and serve Oklahoma-manufactured wine, mulled wine,  
24 or spiced wine, mixed with nonalcoholic beverages or food items such

1 as water, sugar, fruits and vegetables, at any temperature, for  
2 either on-premises or off-premises consumption;

3 10. To purchase beer in retail containers from the holder of a  
4 wholesaler, beer distributor, small brewer self-distributor or  
5 brewpub self-distributor license or as specifically provided by law;

6 11. To sell, offer for sale and possess beer for on-premises  
7 consumption; and

8 12. To establish satellite tasting rooms as defined and  
9 authorized in this act where the winemaker's products may be tasted,  
10 sampled, sold and served for on-premises consumption and the  
11 winemaker is permitted to sell its products in sealed containers;  
12 provided, the small farm winery license or winemaker license is  
13 active and in good standing. The wine sold at a satellite tasting  
14 room must have been produced/manufactured by the holder of a small  
15 farm winery license or winemaker license and must have all  
16 manufacturing taxes paid.

17 SECTION 2. This act shall become effective November 1, 2023.

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19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2023 - DO PASS,  
20 As Amended and Coauthored.

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