

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

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

4   ENGROSSED SENATE  
5   BILL NO. 263

By: Garvin of the Senate

and

Marti of the House

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9       An Act relating to alcoholic beverages; amending 37A  
10      O.S. 2021, Section 2-101, which relates to license  
11      fees; modifying fees for certain license holders  
12      based on production; and declaring an emergency.

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

14       SECTION 1.       AMENDATORY       37A O.S. 2021, Section 2-101, is  
15      amended to read as follows:

16       Section 2-101.   A.   Except as otherwise provided in this  
17      section, the licenses issued by the ABLE Commission, and the annual  
18      fees therefor, shall be as follows:

- 19       1.   Brewer License..... \$1,250.00  
20       2.   Small Brewer License..... \$125.00  
21       3.   Distiller License..... \$3,125.00  
22       4.   Winemaker License..... \$625.00  
23       5.   Small Farm Winery License..... \$75.00  
24       6.   Rectifier License..... \$3,125.00

- 1 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 2 8. Beer Distributor License..... \$750.00
- 3 9. The following retail spirits license fees
- 4 shall be determined by the latest Federal
- 5 Decennial Census:
- 6 a. Retail Spirits License for cities and
- 7 towns from 200 to 2,500 population..... \$305.00
- 8 b. Retail Spirits License for cities and
- 9 towns from 2,501 to 5,000 population..... \$605.00
- 10 c. Retail Spirits License for cities and
- 11 towns over 5,000 population..... \$905.00
- 12 10. Retail Wine License..... \$1,000.00
- 13 11. Retail Beer License..... \$500.00
- 14 12. Mixed Beverage License..... \$1,005.00
- 15 (initial license)
- 16 \$905.00
- 17 (renewal)
- 18 13. Mixed Beverage/Caterer Combination License..... \$1,250.00
- 19 14. On-Premises Beer and Wine License..... \$500.00
- 20 (initial license)
- 21 \$450.00
- 22 (renewal)
- 23 15. Bottle Club License..... \$1,000.00
- 24 (initial license)

1		\$900.00
2		(renewal)
3	16. Caterer License.....	\$1,005.00
4		(initial license)
5		\$905.00
6		(renewal)
7	17. Annual Special Event License.....	\$55.00
8	18. Quarterly Special Event License.....	\$55.00
9	19. Hotel Beverage License.....	\$1,005.00
10		(initial license)
11		\$905.00
12		(renewal)
13	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
14	License.....	\$1,005.00
15		(initial license)
16		\$905.00
17		(renewal)
18	21. Agent License.....	\$55.00
19	22. Employee License.....	\$30.00
20	23. Industrial License.....	\$23.00
21	24. Carrier License.....	\$23.00
22	25. Private Carrier License.....	\$23.00
23	26. Bonded Warehouse License.....	\$190.00
24	27. Storage License.....	\$23.00

- 1 28. Nonresident Seller License ..... \$750.00
- 2 29. Manufacturer License:
- 3 a. 50 cases or less sold in Oklahoma in
- 4 last calendar year..... \$50.00
- 5 b. 51 to 500 cases sold in Oklahoma in
- 6 last calendar year..... \$75.00
- 7 c. 501 cases or more sold in Oklahoma in
- 8 last calendar year..... \$150.00
- 9 30. Manufacturer's Agent License..... \$55.00
- 10 31. Sacramental Wine Supplier License..... \$100.00
- 11 32. Charitable Auction License..... \$1.00
- 12 33. Charitable Alcoholic Beverage License..... \$55.00
- 13 34. Winemaker Self-Distribution License:
- 14 a. produced ten thousand (10,000) gallons
- 15 or less in last calendar year..... \$350.00
- 16 b. produced more than ten thousand
- 17 (10,000) gallons but no more than
- 18 fifteen thousand (15,000) gallons in
- 19 last calendar year..... \$750.00
- 20 35. Annual Public Event License..... \$1,005.00
- 21 36. One-Time Public Event License..... \$255.00
- 22 37. Small Brewer Self-Distribution License:
- 23 a. produced fifteen thousand (15,000)
- 24 barrels or less in last calendar year..... \$350.00

b. produced more than fifteen thousand

(15,000) barrels in last calendar year..... \$750.00

38. Brewpub License..... \$1,005.00

39. Brewpub Self-Distribution License..... \$750.00

40. Complimentary Beverage License..... \$75.00

41. Satellite Tasting Room License..... \$100.00

B. 1. There shall be added to the initial or renewal fees for a Mixed Beverage License an administrative fee, which shall not be deemed to be a license fee, in the amount of Five Hundred Dollars (\$500.00), which shall be paid at the same time and in the same manner as the license fees prescribed by paragraph 12 of subsection A of this section; provided, this fee shall not be assessed against service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code.

2. There shall be added to the fee for a Mixed Beverage/Caterer Combination License an administrative fee, which shall not be deemed to be a license fee, in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be paid at the same time and in the same manner as the license fee prescribed by paragraph 13 of subsection A of this section.

C. Notwithstanding the provisions of subsection A of this section:

1        1. The license fee for a mixed beverage or bottle club license  
2 for those service organizations or fraternal beneficiary societies  
3 which are exempt under Section 501(c)(19), (8) or (10) of the  
4 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per  
5 year; and

6        2. The renewal fee for an airline/railroad/commercial passenger  
7 vessel beverage license held by a railroad described in 49 U.S.C.,  
8 Section 24301, shall be One Hundred Dollars (\$100.00).

9        D. An applicant may apply for and receive both an on-premises  
10 beer and wine license and a caterer license.

11       E. All licenses, except as otherwise provided, shall be valid  
12 for one (1) year from date of issuance unless revoked or  
13 surrendered. Provided, all employee licenses shall be valid for two  
14 (2) years.

15       F. The holder of a license, issued by the ABLE Commission, for  
16 a bottle club located in a county of this state where the sale of  
17 alcoholic beverages by the individual drink for on-premises  
18 consumption has been authorized, may exchange the bottle club  
19 license for a mixed beverage license or an on-premises beer and wine  
20 license and operate the licensed premises as a mixed beverage  
21 establishment or an on-premises beer and wine establishment subject  
22 to the provisions of the Oklahoma Alcoholic Beverage Control Act.  
23 There shall be no additional fee for such exchange and the mixed  
24 beverage license or on-premises beer and wine license issued shall

1 expire one (1) year from the date of issuance of the original bottle  
2 club license.

3 G. In addition to the applicable licensing fee, the following  
4 surcharge shall be assessed annually on the following licenses:

5 1. Nonresident Seller License..... \$2,500.00

6 2. Manufacturer License:

7 a. 50 cases or less sold in Oklahoma in  
8 last calendar year..... \$100.00

9 b. 51 to 500 cases sold in Oklahoma in  
10 last calendar year..... \$225.00

11 c. 501 cases or more sold in Oklahoma in  
12 last calendar year..... \$450.00

13 3. Wine and Spirits Wholesaler License..... \$2,500.00

14 4. Beer Distributor..... \$1,000.00

15 5. Retail Spirits License for cities and towns  
16 over 5,000 population..... \$250.00

17 6. Retail Spirits License for cities and towns  
18 from 2,501 to 5,000 population..... \$200.00

19 7. Retail Spirits License for cities and towns  
20 from 200 to 2,500 population..... \$150.00

21 8. Retail Wine License..... \$250.00

22 9. Retail Beer License..... \$250.00

23 10. Mixed Beverage License..... \$25.00

24 11. Mixed Beverage/Caterer Combination License..... \$25.00

- 1 12. Caterer License..... \$25.00  
2 13. On-Premises Beer and Wine License..... \$25.00  
3 14. Annual Public Event License..... \$25.00  
4 15. Small Farm Winery License..... \$25.00  
5 16. Small Brewer License..... \$35.00  
6 17. Complimentary Beverage License..... \$25.00

7 The surcharge shall be paid concurrent with the licensee's  
8 annual licensing fee and, in addition to Five Dollars (\$5.00) of the  
9 employee license fee, shall be deposited in the Alcoholic Beverage  
10 Governance Revolving Fund established pursuant to Section 5-128 of  
11 this title.

12 H. Any license issued by the ABLE Commission under this title  
13 may be relied upon by other licensees as a valid license, and no  
14 other licensee shall have any obligation to independently determine  
15 the validity of such license or be held liable solely as a  
16 consequence of another licensee's failure to maintain a valid  
17 license.

18 SECTION 2. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
24 SUBSTANCES, dated 04/12/2023 - DO PASS.