

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1937

By: Garvin

AS INTRODUCED

An Act relating to alcoholic beverages; amending 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), which relates to brand label registration; exempting registration for certain licensees; updating statutory language; and providing an effective date.

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

SECTION 1. 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,

1 distiller, or nonresident seller of the brand. Licensees, other
2 than the foregoing applicants, shall not be required to verify
3 registration to the ABLE Commission and shall not be penalized for
4 any applicant's failure to register its brand label in accordance
5 with this section. Cordials and wines which differ only as to age
6 or vintage year, as defined by such rules, shall be considered the
7 same brand, and those that differ as to type or class may be
8 considered the same brand by the ABLE Commission where consistent
9 with the purposes of this section. A licensee registering a brand
10 label with an appropriate federal agency as prescribed by federal
11 law and regulations shall be considered in compliance with this
12 section and shall not be required to register with the ABLE
13 Commission.

14 C. The application for registration of a brand label shall be
15 filed on a form prescribed by the ABLE Commission, and shall contain
16 such information as the ABLE Commission shall require. Such
17 application shall be accompanied by a certified check, bank
18 officers' check or draft or money order in the amount of the annual
19 registration fee, or the properly prorated portion thereof
20 prescribed by this section.

21 D. 1. The annual fee for registration of any brand label for
22 spirits shall be Three Hundred Seventy-five Dollars (\$375.00). The
23 annual fee for registration of any brand label for beer shall be Two
24 Hundred Dollars (\$200.00). The annual fee for registration of any

1 brand label for wine made in the United States, or for registration
2 of any category of imported wine as defined by the Oklahoma Tax
3 Commission, shall be Two Hundred Dollars (\$200.00). Beer
4 manufactured in this state shall be exempt from brand label
5 registration fees.

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

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

21 F. The ABLE Commission may at any time exempt any discontinued
22 brand from fee provisions of this section where a manufacturer,
23 brewer, beer distributor, or wholesaler has an inventory of one
24 hundred cases or less of liquor or wine and five hundred cases or

1 less of beer, and certifies to the ABLE Commission in writing that
2 such brand is being discontinued.

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

6 SECTION 2. This act shall become effective November 1, 2024.

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