

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1304

6 By: Coleman

7 COMMITTEE SUBSTITUTE

8 An Act relating to alcoholic beverage licenses;  
9 amending 37A O.S. 2021, Section 2-109, as amended by  
10 Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp.  
11 2025, Section 2-109), which relates to retail  
12 spirits, wine, and beer licenses; increasing certain  
13 tasting limits; limiting education training tasting  
14 requirements for employees; updating statutory  
15 references; updating statutory language; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, as  
19 amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025,  
20 Section 2-109), is amended to read as follows:

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

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

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

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

6           4. To host alcoholic beverage tastings consistent with  
7 subsections D, ~~and~~ E, and F of this section.

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

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

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

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

18           4. To host an alcoholic beverage tasting, consistent with  
19 subsections D ~~and~~, E, and F of this section.

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

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

23           1. To purchase beer from a beer distributor;

24

1        2. To purchase beer from the holder of a small brewer self-  
2 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, beer may be sold to charitable organizations that are  
6 holders of charitable alcoholic beverage auction or charitable  
7 alcoholic beverage event licenses; and

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

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

13        D. All tastings conducted under this section shall:

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

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

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

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

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

6 5. Be limited to no more than ~~one (1)~~ one and one half (1.5)  
7 fluid ~~ounce~~ ounces of spirits, ~~two (2)~~ six (6) fluid ounces of wine,  
8 or ~~three (3)~~ twelve (12) fluid ounces of beer per consumer per day,  
9 provided that such tasting shall not exceed:

10 a. six separate individual beers not more than two (2)  
11 ounces each,

12 b. six separate individual wines not more than one (1)  
13 ounce each, or

14 c. three separate individual spirits not more than one-  
15 half (0.5) ounce each; and

16 6. Be consumed on the licensed premises of the licensee  
17 authorized to host the tastings or at a location other than the  
18 licensed premises, provided no samples served on the licensed  
19 premises shall be permitted to be removed from the licensed  
20 premises.

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

23 1. All samples are poured only from original sealed packaging;  
24

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

4        3. No more than ~~six (6)~~ twelve bottles of alcoholic beverages  
5 are unsealed at any given time; and

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

8        F. 1. Retail spirits, retail wine, and retail beer licensees  
9 shall be authorized to host educational alcoholic beverage training,  
10 which includes tastings, for employees who are licensed to sell such  
11 beverages on the licensed premises in such containers to consumers  
12 for off-premises consumption only. Alcoholic beverages for training  
13 purposes may be provided by wine and spirits wholesaler licensees  
14 and beer distributor licensees.

15        2. All such tastings shall be ~~consumed~~ held on licensed  
16 premises of the licensee authorized to host the tastings or at a  
17 location other than the licensed premises, and under the direct  
18 supervision of the licensee. Samples shall be poured by a licensee  
19 who is lawfully permitted to serve alcoholic beverages on the  
20 licensed premises in such containers to consumers for off-premises  
21 consumption only in this state. Tastings shall be restricted to  
22 employees who are twenty-one (21) years of age or older.  
23 Participation in tastings for educational purposes may be required  
24 by an employer; however, the choice to taste or consume alcoholic

1 beverages shall always be voluntary. No employee may be required to  
2 taste or consume alcohol at tastings as a condition of employment.

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

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

18 SECTION 2. This act shall become effective November 1, 2026.

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