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April 24, 2025

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1381

By: Moore of the House

and

# Daniels of the Senate

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-146, as amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024, Section 2-146), which relates to grounds to deny license; prohibiting certain grounds for denial of license; excluding certain license from certain provision; 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 2-146, as amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024, Section 2-146), is amended to read as follows:

Section 2-146. A. The ~~ABLE~~ Alcoholic Beverage Laws Enforcement  
(ABLE) Commission shall refuse to issue a wine and spirits  
wholesaler, beer distributor, retail spirits, retail wine or retail  
beer license, either on an original application or a renewal  
application, if it has reasonable grounds to believe and finds any  
of the following to be true:

1        1. Except in the case of a beer distributor, that the applicant  
2 is not a citizen of the United States or is not a qualified elector  
3 in this state, or has not been a continuous resident of this state  
4 for the five (5) years next preceding the application for the  
5 license;

6        2. That the applicant is under twenty-one (21) years of age;

7        3. That the applicant or any partner, or spouse of the  
8 applicant or any partner, has been convicted of a felony;

9        4. That the applicant or any partner, or spouse of the  
10 applicant or any partner, has been convicted of a violation of any  
11 state or federal law relating to alcoholic beverages, has forfeited  
12 a bond while any charge of such violation was pending, nor may any  
13 license be granted for any purpose under the Oklahoma Alcoholic  
14 Beverage Control Act to an Oklahoma resident, who has held or whose  
15 spouse has held a Federal Liquor Stamp in Oklahoma before the  
16 adoption of Article XXVIII-A of the Oklahoma Constitution unless the  
17 Liquor Stamp was granted for supplying alcoholic beverages to a  
18 federal military installation, or was granted under the Oklahoma  
19 Alcoholic Beverage Control Act;

20        5. That the applicant or any partner has, within twelve (12)  
21 months next preceding the date of the application, violated any  
22 provision of the Oklahoma Alcoholic Beverage Control Act or rule of  
23 the ABLE Commission promulgated pursuant hereto. Provided, however,  
24 that if the ABLE Commission has, during such twelve-month period,

1 suspended any license sought to be renewed, such renewal application  
2 may be approved if the term of the suspension has been completed and  
3 the applicant has complied with any special conditions imposed in  
4 connection with the suspension;

5 6. That the applicant is in the habit of using alcoholic  
6 beverages to excess or is mentally incapacitated;

7 7. That the applicant does not own or have a written lease for  
8 the premises for which a license is sought;

9 8. That the applicant, within twelve (12) months next preceding  
10 the date of application, has been the holder of a license revoked  
11 for cause;

12 9. That the applicant is not the real party in interest, or  
13 intends to carry on the business authorized by the license as the  
14 agent of another;

15 10. That the applicant, in the case of an application for  
16 renewal of any license, would not be eligible for such license on a  
17 first application;

18 11. That the applicant is a person who appoints or is a law  
19 enforcement official or is an employee of the ABLE Commission;

20 12. That the proposed location of the licensed premises would  
21 violate a valid municipal nondiscriminatory zoning ordinance;

22 13. That, in the case of an application for a wine and spirits  
23 wholesaler license or beer distributor license, any brewer or  
24 manufacturer, including an officer, director or principal

1 stockholder thereof or any partner, has any financial interest in  
2 the business to be conducted under the license, unless otherwise  
3 permitted by law;

4 14. That the issuance of the license applied for would result  
5 in a violation of any provision of the Oklahoma Alcoholic Beverage  
6 Control Act;

7 15. That, in the case of an application for a wine and spirits  
8 wholesaler or beer distributor license, the applicant or any  
9 partner, or spouse of the applicant or any partner, is the holder or  
10 partner of the holder of any other class of license issued under the  
11 provisions of the Oklahoma Alcoholic Beverage Control Act, other  
12 than an agent or employee license for employment by the applicant,  
13 or a storage license, bonded warehouse license, carrier license or  
14 private carrier license; provided, nothing shall prohibit a wine and  
15 spirits wholesaler, who is otherwise qualified, from maintaining  
16 beer distributor licenses in the state, nor a beer distributor, who  
17 is otherwise qualified, from maintaining a wine and spirits  
18 wholesaler license in the state;

19 16. That, in the case of an application for a retail spirits,  
20 retail wine or retail beer license, the applicant or any partner is  
21 the holder or partner of the holder, or employee of such holder of  
22 any other class of license issued under the provisions of the  
23 Oklahoma Alcoholic Beverage Control Act, other than a storage  
24 license or an employee license for the proposed licensed premises of

1 the applicant~~;~~i provided, nothing in this title shall prohibit an  
2 applicant for a retail wine ~~and/or~~ or retail beer license from  
3 maintaining a separate mixed beverage, caterer, mixed  
4 beverage/caterer combination license, ~~and/or~~ or an on-premises beer  
5 and wine license; or

6 17. That the applicant or any partner, spouse, employee or  
7 other person affiliated with the applicant is not in compliance with  
8 the tax laws of this state as required in Article XXVIII-A of the  
9 Oklahoma Constitution.

10 B. A beer distributor licensee and wine and spirits wholesaler  
11 licensee under common ownership shall not be limited in the types of  
12 business entities which may obtain a wine and spirits wholesaler  
13 license. Nothing in this subsection shall be construed to apply to  
14 a retail spirits license due to the need for strict liability  
15 related to sales directly to consumers and in the interest of public  
16 safety.

17 C. The provisions of this section shall not operate to prohibit  
18 the issuance of a beer distributor license to a corporation ~~or~~ ,  
19 partnership or limited liability company.

20 SECTION 2. This act shall become effective November 1, 2025.

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
22 April 24, 2025 - DO PASS AS AMENDED BY CS  
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