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AS AMENDED

By: Hill, Gise, Moore, Stark,
and Pittman of the House

Paxton of the Senate

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1 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
2 alcohol, ethanol or spirits of wine, from whatever source or by
3 whatever process produced. It does not include wood alcohol or
4 alcohol which has been denatured or produced as denatured in
5 accordance with Acts of Congress and regulations promulgated
6 thereunder;

7 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
8 as those terms are defined herein and also includes every liquid or
9 solid, patented or not, containing alcohol, spirits, wine or beer
10 and capable of being consumed as a beverage by human beings;

11 4. "Applicant" means any individual, legal or commercial
12 business entity, or any individual involved in any legal or
13 commercial business entity allowed to hold any license issued in
14 accordance with the Oklahoma Alcoholic Beverage Control Act;

15 5. "Beer" means any beverage containing more than one-half of
16 one percent (0.50%) of alcohol by volume and obtained by the
17 alcoholic fermentation of an infusion or decoction of barley, or
18 other grain, sugar, malt or similar products. For the purposes of
19 taxation, distribution, sales, and regulation, seltzer shall mean
20 the same as beer as provided in this section. Beer may or may not
21 contain hops or other vegetable products. Beer includes, among
22 other things, beer, ale, stout, lager beer, porter, seltzer, and
23 other malt or brewed liquors, but does not include sake, known as
24 Japanese rice wine;

1 6. "Beer keg" means any brewer-sealed, single container that
2 contains not less than four (4) gallons of beer;

3 7. "Beer distributor" means and includes any person licensed to
4 distribute beer for retail sale in this state, but does not include
5 a holder of a small brewer self-distribution license or brewpub
6 self-distribution license. The term distributor, as used in the
7 Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
8 to a beer distributor;

9 8. "Bottle club" means any establishment in a county which has
10 not authorized the retail sale of alcoholic beverages by the
11 individual drink, which is required to be licensed to keep, mix and
12 serve alcoholic beverages belonging to club members on club
13 premises;

14 9. "Bottle service" means the sale and provision of spirits in
15 their original packages by a mixed beverage licensee to be consumed
16 in that mixed beverage licensee's club suite;

17 10. "Brand" means any word, name, group of letters, symbol or
18 combination thereof, that is adopted and used by a licensed brewer
19 to identify a specific beer, wine or spirit and to distinguish that
20 product from another beer, wine or spirit;

21 11. "Brand extension" means:

- 22 a. after October 1, 2018, any brand of beer or cider
23 introduced by a manufacturer in this state which
24 either:

1 (1) incorporates all or a substantial part of the
2 unique features of a preexisting brand of the
3 same licensed brewer, or

4 (2) relies to a significant extent on the goodwill
5 associated with the preexisting brand, or

6 b. any brand of beer that a brewer, the majority of whose
7 total volume of all brands of beer distributed in this
8 state by such brewer on January 1, 2016, was
9 distributed as low-point beer, desires to sell,
10 introduces, begins selling or theretofore has sold and
11 desires to continue selling a strong beer in this
12 state which either:

13 (1) incorporates or incorporated all or a substantial
14 part of the unique features of a preexisting low-
15 point beer brand of the same licensed brewer, or

16 (2) relies or relied to a significant extent on the
17 goodwill associated with a preexisting low-point
18 beer brand;

19 12. "Brewer" means and includes any person who manufactures for
20 human consumption by the use of raw materials or other ingredients
21 any beer or cider upon which a license fee and a tax are imposed by
22 any law of this state;

23 13. "Brewpub" means a licensed establishment operated on the
24 premises of, or on premises located contiguous to, a small brewer,

1 that prepares and serves food and beverages, including alcoholic
2 beverages, for on-premises consumption;

3 14. "Cider" means any alcoholic beverage obtained by the
4 alcoholic fermentation of fruit juice, including but not limited to
5 flavored, sparkling or carbonated cider. For the purposes of the
6 manufacture of this product, cider may be manufactured by either
7 manufacturers or brewers. For the purposes of the distribution of
8 this product, cider may be distributed by either wine and spirits
9 wholesalers or beer distributors;

10 15. "Club suite" means a designated area within the premises of
11 a mixed beverage licensee designed to provide an exclusive space
12 which is limited to a patron or patrons specifically granted access
13 by a mixed beverage licensee and is not accessible to other patrons
14 of the mixed beverage licensee or the public. A club suite must
15 have a clearly designated point of access for a patron or patrons
16 specifically granted access by the mixed beverage licensee to ensure
17 that persons present in the suite are limited to patrons
18 specifically granted access by the mixed beverage licensee and
19 employees providing services to the club suite;

20 16. "Cocktail" means a type of mixed beverage as defined in
21 Section 7-102 of this title;

22 17. "Convenience store" means any person primarily engaged in
23 retailing a limited range of general household items and groceries,
24

1 with extended hours of operation, whether or not engaged in retail
2 sales of automotive fuels in combination with such sales;

3 18. "Convicted" and "conviction" mean and include a finding of
4 guilt resulting from a plea of guilty or nolo contendere, the
5 decision of a court or magistrate or the verdict of a jury,
6 irrespective of the pronouncement of judgment or the suspension
7 thereof;

8 19. "Designated products" means the brands of wine or spirits
9 offered for sale by a manufacturer that the manufacturer has
10 assigned to a designated wholesaler for exclusive distribution;

11 20. "Designated wholesaler" means a wine and spirits wholesaler
12 who has been selected by a manufacturer as a wholesaler appointed to
13 distribute designated products;

14 21. "Director" means the Director of the ABLE Commission;

15 22. "Distiller" means any person who produces spirits from any
16 source or substance, or any person who brews or makes mash, wort or
17 wash, fit for distillation or for the production of spirits (except
18 a person making or using such material in the authorized production
19 of wine or beer, or the production of vinegar by fermentation), or
20 any person who by any process separates alcoholic spirits from any
21 fermented substance, or any person who, making or keeping mash, wort
22 or wash, has also in his or her possession or use a still;

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1 23. "Distributor agreement" means the written agreement between
2 the distributor and brewer as set forth in Section 3-108 of this
3 title;

4 24. "Drug store" means a person primarily engaged in retailing
5 prescription and nonprescription drugs and medicines;

6 25. "Event venue" means any nongovernmental location, property,
7 space, premises, grounds, building or buildings, or other site that
8 offers to the general public for rent, lease, reservation, or other
9 contractual use, for the hosting of a function, occasion, or event,
10 special, private, or public, of a temporary nature. The location,
11 property, space, premises, grounds, or building or buildings defined
12 in this paragraph shall not include those owned, leased, or occupied
13 by organizations exempt from taxation pursuant to the provisions of
14 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

15 26. "Dual-strength beer" means a brand of beer that,
16 immediately prior to April 15, 2017, was being sold and distributed
17 in this state:

18 a. as a low-point beer pursuant to the Low-Point Beer
19 Distribution Act in effect immediately prior to
20 October 1, 2018, and

21 b. as strong beer pursuant to the Oklahoma Alcoholic
22 Beverage Control Act in effect immediately prior to
23 October 1, 2018,

1 and continues to be sold and distributed as such on October 1, 2018.
2 Dual-strength beer does not include a brand of beer that arose as a
3 result of a brand extension as defined in this section;

4 ~~26.~~ 27. "Fair market value" means the value in the subject
5 territory covered by the written agreement with the distributor or
6 wholesaler that would be determined in an arm's length transaction
7 entered into without duress or threat of termination of the
8 distributor's or wholesaler's rights and shall include all elements
9 of value, including goodwill and going-concern value;

10 ~~27.~~ 28. "Good cause" means:

- 11 a. failure by the distributor to comply with the material
12 and reasonable provisions of a written agreement or
13 understanding with the brewer, or
14 b. failure by the distributor to comply with the duty of
15 good faith;

16 ~~28.~~ 29. "Good faith" means the duty of each party to any
17 distributor agreement and all officers, employees or agents thereof
18 to act with honesty in fact and within reasonable standards of fair
19 dealing in the trade;

20 ~~29.~~ 30. "Grocery store" means a person primarily engaged in
21 retailing a general line of food, such as canned or frozen foods,
22 fresh fruits and vegetables, and fresh and prepared meats, fish and
23 poultry;

1 ~~30.~~ 31. "Hotel" or "motel" means an establishment which is
2 licensed to sell alcoholic beverages by the individual drink and
3 which contains guest room accommodations with respect to which the
4 predominant relationship existing between the occupants thereof and
5 the owner or operator of the establishment is that of innkeeper and
6 guest. For purposes of this section, the existence of other legal
7 relationships as between some occupants and the owner or operator
8 thereof shall be immaterial;

9 ~~31.~~ 32. "Legal newspaper" means a newspaper meeting the
10 requisites of a newspaper for publication of legal notices as
11 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
12 Statutes;

13 ~~32.~~ 33. "Licensee" means any person holding a license under the
14 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
15 employee of such licensee while in the performance of any act or
16 duty in connection with the licensed business or on the licensed
17 premises;

18 ~~33.~~ 34. "Low-point beer" shall mean any beverages containing
19 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
20 not more than three and two-tenths percent (3.2%) alcohol by weight,
21 including but not limited to beer or cereal malt beverages obtained
22 by the alcoholic fermentation of an infusion by barley or other
23 grain, malt or similar products;

1 ~~34.~~ 35. "Manufacturer" means a distiller, winemaker, rectifier
2 or bottler of any alcoholic beverage (other than beer) and its
3 subsidiaries, affiliates and parent companies;

4 ~~35.~~ 36. "Manufacturer's agent" means a salaried or commissioned
5 salesperson who is the agent authorized to act on behalf of the
6 manufacturer or nonresident seller in this state;

7 ~~36.~~ 37. "Meals" means foods commonly ordered at lunch or dinner
8 and at least part of which is cooked on the licensed premises and
9 requires the use of dining implements for consumption. Provided,
10 that the service of only food such as appetizers, sandwiches, salads
11 or desserts shall not be considered meals;

12 ~~37.~~ 38. "Mini-bar" means a closed container, either
13 refrigerated in whole or in part, or unrefrigerated, and access to
14 the interior of which is:

- 15 a. restricted by means of a locking device which requires
16 the use of a key, magnetic card or similar device, or
17 b. controlled at all times by the licensee;

18 ~~38.~~ 39. "Mixed beverage cooler" means any beverage, by whatever
19 name designated, consisting of an alcoholic beverage and fruit or
20 vegetable juice, fruit or vegetable flavorings, dairy products or
21 carbonated water containing more than one-half of one percent (1/2
22 of 1%) of alcohol measured by volume but not more than seven percent
23 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
24 packaged in a container not larger than three hundred seventy-five

(375) milliliters. Such term shall include but not be limited to the beverage popularly known as a "wine cooler";

~~39.~~ 40. "Mixed beverages" means one or more servings of a beverage composed in whole or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license; provided, that a beer, cider, or wine mixed with ingredients nonalcoholic in nature including, but not limited to, water, juice, sugar, fruits, or vegetables and sold by a small brewer, brewpub, small farm winery, or winemaker, shall not be considered a mixed beverage so long as such small brewer, brewpub, small farm winery, or winemaker does not also hold an on-premises beer and wine, mixed beverage, caterer, public event, or special event license, if permitted by law;

~~40.~~ 41. "Motion picture theater" means an establishment which is licensed by Section 2-110 of this title to sell alcoholic beverages by the individual drink and where motion pictures are exhibited, and to which the general public is admitted;

~~41.~~ 42. "Nondesignated products" means the brands of wine or spirits offered for sale by a manufacturer that have not been assigned to a designated wholesaler;

~~42.~~ 43. "Nonresident seller" means any person licensed pursuant to Section 2-135 of this title;

1 ~~43.~~ 44. "Retail salesperson" means a salesperson soliciting
2 orders from and calling upon retail alcoholic beverage stores with
3 regard to his or her product;

4 ~~44.~~ 45. "Occupation" as used in connection with "occupation
5 tax" means the sites occupied as the places of business of the
6 manufacturers, brewers, wholesalers, beer distributors, retailers,
7 mixed beverage licensees, on-premises beer and wine licensees,
8 bottle clubs, caterers, public event and special event licensees;

9 ~~45.~~ 46. "Original package" means any container of alcoholic
10 beverage filled and stamped or sealed by the manufacturer or brewer;

11 ~~46.~~ 47. "Package store" means any sole proprietor or
12 partnership that qualifies to sell wine, beer and/or spirits for
13 off-premises consumption and that is not a grocery store,
14 convenience store or drug store, or other retail outlet that is not
15 permitted to sell wine or beer for off-premises consumption;

16 ~~47.~~ 48. "Patron" means any person, customer or visitor who is
17 not employed by a licensee or who is not a licensee;

18 ~~48.~~ 49. "Person" means an individual, any type of partnership,
19 corporation, association, limited liability company or any
20 individual involved in the legal structure of any such business
21 entity;

22 ~~49.~~ 50. "Premises" means the grounds and all buildings and
23 appurtenances pertaining to the grounds including any adjacent
24 premises if under the direct or indirect control of the licensee and

1 the rooms and equipment under the control of the licensee and used
2 in connection with or in furtherance of the business covered by a
3 license. Provided, that the ABLE Commission shall have the
4 authority to designate areas to be excluded from the licensed
5 premises solely for the purpose of:

6 a. allowing the presence and consumption of alcoholic
7 beverages by private parties which are closed to the
8 general public, or

9 b. allowing the services of a caterer serving alcoholic
10 beverages provided by a private party.

11 This exception shall in no way limit the licensee's concurrent
12 responsibility for any violations of the Oklahoma Alcoholic Beverage
13 Control Act occurring on the licensed premises;

14 ~~50.~~ 51. "Private event" means a social gathering or event
15 attended by invited guests who share a common cause, membership,
16 business or task and have a prior established relationship. For
17 purposes of this definition, advertisement for general public
18 attendance or sales of tickets to the general public shall not
19 constitute a private event;

20 ~~51.~~ 52. "Public event" means any event that can be attended by
21 the general public;

22 ~~52.~~ 53. "Rectifier" means any person who rectifies, purifies or
23 refines spirits or wines by any process (other than by original and
24 continuous distillation, or original and continuous processing, from

1 mash, wort, wash or other substance, through continuous closed
2 vessels and pipes, until the production thereof is complete), and
3 any person who, without rectifying, purifying or refining spirits,
4 shall by mixing (except for immediate consumption on the premises
5 where mixed) such spirits, wine or other liquor with any material,
6 manufactures any spurious, imitation or compound liquors for sale,
7 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
8 or any other name;

9 ~~53.~~ 54. "Regulation" or "rule" means a formal rule of general
10 application promulgated by the ABLE Commission as herein required;

11 ~~54.~~ 55. "Restaurant" means an establishment that is licensed to
12 sell alcoholic beverages by the individual drink for on-premises
13 consumption and where food is prepared and sold for immediate
14 consumption on the premises;

15 ~~55.~~ 56. "Retail container for spirits and wines" means an
16 original package of any capacity approved by the United States
17 Bureau of Alcohol, Tobacco, Firearms and Explosives;

18 ~~56.~~ 57. "Retailer" means a package store, grocery store,
19 convenience store or drug store licensed to sell alcoholic beverages
20 for off-premises consumption pursuant to a retail spirits license,
21 retail wine license or retail beer license;

22 ~~57.~~ 58. "Sale" means any transfer, exchange or barter in any
23 manner or by any means whatsoever, and includes and means all sales
24 made by any person, whether as principal, proprietor or as an agent,

1 servant or employee. The term sale is also declared to be and
2 include the use or consumption in this state of any alcoholic
3 beverage obtained within or imported from without this state, upon
4 which the excise tax levied by the Oklahoma Alcoholic Beverage
5 Control Act has not been paid or exempted;

6 ~~58.~~ 59. "Seltzer" means any beverage containing more than one-
7 half of one percent (0.50%) of alcohol by volume and obtained by the
8 alcoholic fermentation of malt, rice, grain of any kind, bran,
9 glucose, sugar, or molasses and combined with carbonated water and
10 other flavoring and labeled as "beer" by the Internal Revenue Code;
11 provided, that seltzer shall not include carbonated beverages mixed
12 with wine or spirits;

13 ~~59.~~ 60. "Short-order food" means food other than full meals
14 including but not limited to sandwiches, soups and salads.
15 Provided, that popcorn, chips and other similar snack food shall not
16 be considered short-order food;

17 ~~60.~~ 61. "Small brewer" means a brewer who manufactures less
18 than sixty-five thousand (65,000) barrels of beer annually pursuant
19 to a validly issued small brewer license hereunder;

20 ~~61.~~ 62. "Small farm wine" means a wine that is produced by a
21 small farm winery with seventy-five percent (75%) or more Oklahoma-
22 grown grapes, berries, other fruits, honey or vegetables;

23 ~~62.~~ 63. "Small farm winery" means a wine-making establishment
24 that does not annually produce for sale more than fifteen thousand

1 (15,000) gallons of wine as reported on the United States Department
2 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
3 Wine Premises Operations (TTB Form 5120.17);

4 ~~63.~~ 64. "Sparkling wine" means champagne or any artificially
5 carbonated wine;

6 ~~64.~~ 65. "Special event" means an entertainment, recreation or
7 marketing event that occurs at a single location on an irregular
8 basis and at which alcoholic beverages are sold;

9 ~~65.~~ 66. "Spirits" means any beverage other than wine or beer,
10 which contains more than one-half of one percent (1/2 of 1%) alcohol
11 measured by volume, and obtained by distillation, whether or not
12 mixed with other substances in solution and includes those products
13 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
14 fortified wines and similar compounds, but shall not include any
15 alcohol liquid completely denatured in accordance with the Acts of
16 Congress and regulations pursuant thereto;

17 ~~66.~~ 67. "Strong beer" means beer which, prior to October 1,
18 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
19 Control Act, Section 1-101 et seq. of this title;

20 ~~67.~~ 68. "Successor brewer" means a primary source of supply, a
21 brewer, a cider manufacturer or an importer that acquires rights to
22 a beer or cider brand from a predecessor brewer;

23 ~~68.~~ 69. "Tax Commission" means the Oklahoma Tax Commission;
24

1 ~~69.~~ 70. "Territory" means a geographic region with a specified
2 boundary;

3 ~~70.~~ 71. "Wine and spirits wholesaler" or "wine and spirits
4 distributor" means and includes any sole proprietorship or
5 partnership licensed to distribute wine and spirits in this state.
6 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
7 Control Act, shall be construed to refer to a wine and spirits
8 wholesaler;

9 ~~71.~~ 72. "Wine" means and includes any beverage containing more
10 than one-half of one percent (1/2 of 1%) alcohol by volume and not
11 more than twenty-four percent (24%) alcohol by volume at sixty (60)
12 degrees Fahrenheit obtained by the fermentation of the natural
13 contents of fruits, vegetables, honey, milk or other products
14 containing sugar, whether or not other ingredients are added, and
15 includes vermouth and sake, known as Japanese rice wine;

16 ~~72.~~ 73. "Winemaker" means and includes any person or
17 establishment who manufactures for human consumption any wine upon
18 which a license fee and a tax are imposed by any law of this state;

19 ~~73.~~ 74. "Satellite tasting room" means a licensed establishment
20 operated off the licensed premises of the holder of a small farm
21 winery or winemaker license, which serves wine for on-premises or
22 off-premises consumption; and

23 ~~74.~~ 75. "Straw testing" means the consumption of a de minimis
24 amount of an alcoholic beverage by sanitary means by the holder of

1 an employee license, twenty-one (21) years of age or older, to
2 determine the quality or desired flavor profile of such alcoholic
3 beverage that has been serviced, or is to be served, to a patron.

4 Words in the plural include the singular, and vice versa, and
5 words imparting the masculine gender include the feminine, as well
6 as persons and licensees as defined in this section.

7 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, as
8 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,
9 Section 2-101), is amended to read as follows:

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

- 13 1. Brewer License..... \$1,250.00
- 14 2. Small Brewer License..... \$125.00
- 15 3. Distiller License..... \$3,125.00
- 16 4. Winemaker License..... \$625.00
- 17 5. Small Farm Winery License..... \$75.00
- 18 6. Rectifier License..... \$3,125.00
- 19 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 20 8. Beer Distributor License..... \$750.00
- 21 9. The following retail spirits license fees
22 shall be determined by the latest Federal
23 Decennial Census:
- 24

1	a.	Retail Spirits License for cities and	
2		towns from 200 to 2,500 population.....	\$305.00
3	b.	Retail Spirits License for cities and	
4		towns from 2,501 to 5,000 population.....	\$605.00
5	c.	Retail Spirits License for cities and	
6		towns over 5,000 population.....	\$905.00
7	10.	Retail Wine License.....	\$1,000.00
8	11.	Retail Beer License.....	\$500.00
9	12.	Mixed Beverage License.....	\$1,005.00
10			(initial license)
11			\$905.00
12			(renewal)
13	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14	14.	On-Premises Beer and Wine License.....	\$500.00
15			(initial license)
16			\$450.00
17			(renewal)
18	15.	Bottle Club License.....	\$1,000.00
19			(initial license)
20			\$900.00
21			(renewal)
22	16.	Caterer License.....	\$1,005.00
23			(initial license)
24			\$905.00

1		(renewal)	
2	17.	Annual Special Event License.....	\$55.00
3	18.	Quarterly Special Event License.....	\$55.00
4	19.	Hotel Beverage License.....	\$1,005.00
5		(initial license)	
6			\$905.00
7		(renewal)	
8	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
9		License.....	\$1,005.00
10		(initial license)	
11			\$905.00
12		(renewal)	
13	21.	Agent License.....	\$55.00
14	22.	Employee License.....	\$30.00
15	23.	Industrial License.....	\$23.00
16	24.	Carrier License.....	\$23.00
17	25.	Private Carrier License.....	\$23.00
18	26.	Bonded Warehouse License.....	\$190.00
19	27.	Storage License.....	\$23.00
20	28.	Nonresident Seller License	\$750.00
21	29.	Manufacturer License:	
22	a.	50 cases or less sold in Oklahoma in	
23		last calendar year.....	\$50.00
24			

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

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

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

3 42. Event Bartender License..... \$50.00

4 B. 1. There shall be added to the initial or renewal fees for
5 a mixed beverage license an administrative fee, which shall not be
6 deemed to be a license fee, in the amount of Five Hundred Dollars
7 (\$500.00), which shall be paid at the same time and in the same
8 manner as the license fees prescribed by paragraph 12 of subsection
9 A of this section; provided, this fee shall not be assessed against
10 service organizations or fraternal beneficiary societies which are
11 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
12 Code.

13 2. There shall be added to the fee for a mixed beverage/caterer
14 combination license an administrative fee, which shall not be deemed
15 to be a license fee, in the amount of Two Hundred Fifty Dollars
16 (\$250.00), which shall be paid at the same time and in the same
17 manner as the license fee prescribed by paragraph 13 of subsection A
18 of this section.

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

21 1. The license fee for a mixed beverage or bottle club license
22 for those service organizations or fraternal beneficiary societies
23 which are exempt under Section 501(c)(19), (8) or (10) of the
24

1 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
2 year; and

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

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

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

12 F. The holder of a license, issued by the ABLE Commission, for
13 a bottle club located in a county of this state where the sale of
14 alcoholic beverages by the individual drink for on-premises
15 consumption has been authorized, may exchange the bottle club
16 license for a mixed beverage license or an on-premises beer and wine
17 license and operate the licensed premises as a mixed beverage
18 establishment or an on-premises beer and wine establishment subject
19 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
20 There shall be no additional fee for such exchange and the mixed
21 beverage license or on-premises beer and wine license issued shall
22 expire one (1) year from the date of issuance of the original bottle
23 club license.

24

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

3 1. Nonresident Seller License..... \$2,500.00
4 2. Manufacturer License:
5 a. 50 cases or less sold in Oklahoma in
6 last calendar year..... \$100.00
7 b. 51 to 500 cases sold in Oklahoma in
8 last calendar year..... \$225.00
9 c. 501 cases or more sold in Oklahoma in
10 last calendar year..... \$450.00
11 3. Wine and Spirits Wholesaler License..... \$2,500.00
12 4. Beer Distributor..... \$1,000.00
13 5. Retail Spirits License for cities and towns
14 over 5,000 population..... \$250.00
15 6. Retail Spirits License for cities and towns
16 from 2,501 to 5,000 population..... \$200.00
17 7. Retail Spirits License for cities and towns
18 from 200 to 2,500 population..... \$150.00
19 8. Retail Wine License..... \$250.00
20 9. Retail Beer License..... \$250.00
21 10. Mixed Beverage License..... \$25.00
22 11. Mixed Beverage/Caterer Combination License..... \$25.00
23 12. Caterer License..... \$25.00
24 13. On-Premises Beer and Wine License..... \$25.00

- 1 14. Annual Public Event License..... \$25.00
2 15. Small Farm Winery License..... \$25.00
3 16. Small Brewer License..... \$35.00
4 17. Complimentary Beverage License..... \$25.00

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

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

16 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-113, as
17 last amended by Section 1, Chapter 238, O.S.L. 2024 (37A O.S. Supp.
18 2024, Section 2-113), is amended to read as follows:

19 Section 2-113. A. 1. A caterer license may be issued to any
20 person for the purpose of sale, delivery or distribution of
21 alcoholic beverages incidental to the sale or distribution of food
22 on a premises not licensed by the ABLE Commission. For purposes of
23 this section, "incidental to the sale or distribution of food" means
24 food sales constituting at least thirty-five percent (35%) of the

1 caterer's total combined annual sales. A caterer license shall not
2 be issued to a person whose main purpose is the sale of alcoholic
3 beverages.

4 2. A caterer license may only be issued to those persons that
5 prepare, sell and distribute food for consumption either on licensed
6 or unlicensed premises. In order to renew a caterer license, annual
7 food sales must constitute at least thirty-five percent (35%) of the
8 caterer's total combined sales based on the most recent calendar
9 year. A caterer shall not be required to prepare, sell and
10 distribute food at every catered event as long as the caterer
11 satisfies the requirement set forth in this section.

12 3. Each caterer shall submit an annual sales report containing
13 revenue attributable to alcoholic beverages, food and all other
14 revenues attributable to the catering service. The annual sales
15 report must be submitted thirty (30) days prior to expiration of the
16 caterer license on forms prescribed by the ABLE Commission. The
17 caterer license may not be renewed if the caterer fails to provide
18 complete or sufficient financial data.

19 4. Each caterer shall submit a monthly event report containing
20 information on all events scheduled for the subsequent month. If an
21 event is scheduled after the first day of the month for an event to
22 occur in the same month, then the caterer shall report that event
23 within twenty-four (24) hours of scheduling the event or within
24 twenty-four (24) hours prior to the event, whichever occurs first.

1 The monthly event report shall be submitted on the first day of each
2 month.

3 5. All reports shall be submitted electronically on forms
4 prescribed by the ABLE Commission. Provided, if the caterer does
5 not have access to the Internet, then monthly reports must be
6 submitted by facsimile to the ABLE Commission's office in Oklahoma
7 City, in which case the caterer must retain a copy of the facsimile
8 confirmation sheet for at least twelve (12) months.

9 6. Any caterer who fails to submit a monthly report shall have
10 the caterer license automatically suspended until such time that the
11 caterer has fully complied with all reporting requirements. Any
12 caterer whose annual food sales do not exceed thirty-five percent
13 (35%) of his or her total annual combined sales shall not have the
14 caterer's license renewed.

15 B. The ABLE Commission shall promulgate rules governing the
16 application for and the issuance of caterer licenses.

17 C. The restrictions and rules which apply to the sale of mixed
18 beverages on the premises of a mixed beverage licensee also apply to
19 the sale under the authority of a caterer license. Any act which if
20 done on the premises of a mixed beverage licensee would be a ground
21 for revocation or suspension of the mixed beverage license is a
22 ground for revocation or suspension of a caterer license.

23 D. If the premises where the event being catered is held are
24 already operating pursuant to another type of license issued by the

1 ABLE Commission, the caterer and the other licensee shall both be
2 responsible for the actions of the caterer and shall both be subject
3 to penalties for violations by the caterer of the Oklahoma Alcoholic
4 Beverage Control Act and any rules promulgated thereto.

5 E. A caterer licensee may not store alcoholic beverages unless
6 the licensee has a storage license issued by the ABLE Commission. A
7 caterer licensee selling beer and cider to consumers shall only
8 purchase such beer and cider from the distributor or wholesaler
9 within the county in which the licensee will be selling the beer and
10 cider to consumers.

11 F. A caterer may provide alcoholic beverage sales on the
12 premises of a person currently applying for an on-premises beer and
13 wine license, mixed beverage/caterer combination license, or mixed
14 beverage license, provided the following terms have been satisfied:

15 1. The caterer shall take reasonable steps to ensure that the
16 on-premises beer and wine applicant, mixed beverage/caterer
17 combination applicant, or mixed beverage applicant uses only
18 licensed employees to perform licensable activities while using the
19 caterer's license. The caterer shall use his or her best efforts to
20 attempt to have a licensed employee on-site supervising the sale of
21 such caterer's alcoholic beverages at all times, but the caterer
22 shall not be disciplined for failing to have a licensed employee on-
23 site. The caterer expressly acknowledges that he or she is liable
24 for all violations of the Oklahoma Alcoholic Beverage Control Act

1 and rules of the ABLE Commission that are committed by the on-
2 premises beer and wine applicant, the mixed beverage/caterer
3 combination applicant, or the mixed beverage applicant and its
4 employees during this period;

5 2. The caterer and the on-premises beer and wine applicant, the
6 mixed beverage/caterer combination applicant, or the mixed beverage
7 applicant must submit to the ABLE Commission a written agreement
8 setting forth all the terms of the catering agreement at least
9 twenty-four (24) hours prior to the commencement of the catered
10 event;

11 3. The caterer may not provide alcoholic beverage sales on the
12 unlicensed premises of the on-premises beer and wine applicant,
13 mixed beverage/caterer combination applicant, or the mixed beverage
14 applicant for more than sixty (60) days, or after the applicant's
15 license has been denied, whichever occurs first;

16 4. The caterer may be issued a storage license to be used to
17 store any alcoholic beverages purchased pursuant to this subsection
18 on the unlicensed premises of the applicant during the period of the
19 written agreement; and

20 5. Upon the issuance of a license to the on-premises beer and
21 wine applicant, the mixed beverage/caterer combination applicant, or
22 the mixed beverage applicant, any alcoholic beverages on the
23 licensed storage premises may be transferred by the caterer to the
24 on-premises beer and wine licensee, the mixed beverage/caterer

1 combination licensee, or the mixed beverage licensee consistent with
2 the provisions of Section 2-155 of this title.

3 G. A caterer may provide alcoholic beverage services for
4 temporary public events which have been licensed and approved by the
5 ABLE Commission.

6 H. A caterer may provide alcoholic beverage services for a
7 mixed beverage licensee which holds a live performing arts
8 presentation and is open to the public not more than one hundred
9 twenty (120) days per year.

10 I. All alcoholic beverages served on the premises of an event
11 venue must be served by an ABLE-licensed mixed beverage licensee,
12 caterer licensee, or event bartender licensee. As a prerequisite to
13 the issuance of an event bartender license, not later than fourteen
14 (14) days after initial licensure, the event bartender licensee
15 shall be required to have successfully completed an in-person
16 training program conducted by an entity approved by the ABLE
17 Commission. Proof of training completion shall be made available
18 for inspection by the ABLE Commission at the event venue location.
19 The failure of an event bartender to comply with this section may
20 constitute a revocable offense.

21 SECTION 5. This act shall become effective July 1, 2026.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
23 April 23, 2025 - DO PASS AS AMENDED
24