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March 6, 2025

By: Coleman

An Act relating to alcoholic beverage licenses; amending 37A O.S. 2021, Sections 2-109, as amended by Section 2, Chapter 90, O.S.L. 2024, and 2-110, as last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp. 2024, Sections 2-109 and 2-110), which relate to retail wine, retail beer, retail spirits, and mixed beverage licenses; allowing certain licensees to sell certain beverages for off-premise consumption; prohibiting the Alcoholic Beverage Laws Enforcement (ABLE) Commission from promulgating certain rules; and providing an effective date.

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

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

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

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

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

3. To sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale;

1 provided, spirits, wine and beer may be sold to charitable
2 organizations that are holders of charitable alcoholic beverage
3 auction or charitable alcoholic beverage event licenses; and

4 4. To host alcoholic beverage tastings consistent with
5 subsections D and E of this section.

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

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

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

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

16 4. To host an alcoholic beverage tasting, consistent with
17 subsections D and E of this section.

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

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

21 1. To purchase beer from a beer distributor;

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

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

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

11 D. All tastings conducted under this section shall:

12 1. Be conducted under the direct supervision of the licensee
13 authorized to host the tasting;

14 2. Be poured by any ABLE Commission licensee lawfully permitted
15 to serve alcoholic beverages, provided no wine or spirits
16 wholesaler, beer distributor or employee of a wine or spirits
17 wholesaler or beer distributor shall be allowed to pour samples for
18 tastings;

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

provided, the licensee may only provide samples of alcoholic beverages that its license is authorized to sell;

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

5. Be limited to no more than one (1) fluid ounce of spirits, two (2) fluid ounces of wine or three (3) fluid ounces of beer per consumer per day; and

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

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

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

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

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

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

F. 1. Retail spirits, retail wine, and retail beer licensees shall be authorized to host educational alcoholic beverage training,

1 which includes tastings, for employees who are licensed to sell such
2 beverages on the licensed premises in such containers to consumers
3 for off-premises consumption only. Alcoholic beverages for training
4 purposes may be provided by wine and spirits wholesaler licensees
5 and beer distributor licensees.

6 2. All such tastings shall be consumed on licensed premises of
7 the licensee authorized to host the tastings or at a location other
8 than the licensed premises, and under the direct supervision of the
9 licensee. Samples shall be poured by a licensee who is lawfully
10 permitted to serve alcoholic beverages on the licensed premises in
11 such containers to consumers for off-premises consumption only in
12 this state. Tastings shall be restricted to employees who are
13 twenty-one (21) years of age or older. Participation in tastings
14 for educational purposes may be required by an employer; however,
15 the choice to taste or consume alcoholic beverages shall always be
16 voluntary. No employee may be required to taste or consume alcohol
17 at tastings as a condition of employment.

18 3. An educational tasting of beer may consist of not more than
19 six separate individual beers of not more than two (2) ounces each,
20 served together at one time. No employee may sample more than a
21 total of twelve (12) fluid ounces of beer per day. An educational
22 tasting of wine may consist of not more than six separate individual
23 wines of not more than one (1) ounce each, served together at one
24 time. No employee may sample more than a total of six (6) fluid

1 ounces of wine per day. An educational tasting of spirits shall
2 consist of not more than three separate individual spirits of not
3 more than one-half (0.5) ounce each, served together at one time.
4 No employee may sample more than a total of one and one-half (1.5)
5 fluid ounces of spirits per day. No employee may sample more than a
6 total of twelve (12) ounces of beer, six (6) ounces of wine, or one
7 and one-half (1.5) ounces of spirits per day. Only one type of
8 alcoholic beverage of beer, wine, or spirits shall be allowed at any
9 education training tasting. No combination tasting shall be
10 allowed. Employees who choose to taste an alcoholic beverage but do
11 not wish to consume the alcoholic beverage shall be allowed to spit
12 the beverage into a cup for disposal. Employees may participate in
13 educational tastings before, during, or after regular business hours
14 unless otherwise prohibited by law. All licensees serving samples
15 of beer shall ensure that all samples are poured only from original
16 sealed packaging and any alcoholic beverages remaining in unsealed
17 packaging used to provide samples, excluding spirits and wine, are
18 poured out by the end of the day. No more than six bottles of
19 alcoholic beverages may be unsealed at any given time during a
20 tasting. All packaging containing samples of wine and spirits shall
21 be clearly marked as a sample and any unused portions of the sample
22 of wine or spirits shall be resealed and retained by the wine and
23 spirits wholesaler for use at the next tasting authorized in this
24 paragraph. Wine and spirits wholesaler employees may transport any

1 resealed samples of wine and spirits in their vehicles. Beer, wine,
2 and spirits samples shall not be considered withdrawn from the
3 inventory of the beer distributor or wine and spirits wholesaler for
4 purposes of the collection of the excise tax on beer, wine, and
5 spirits. Tastings offered to licensees by wine and spirits
6 wholesalers and beer distributors shall not be deemed discrimination
7 or an inducement under Section 3-123 of this title.

8 G. Retail spirits, retail wine, and retail beer licensees shall
9 be authorized to sell such beverages on the licensed premises in
10 such containers to consumers for off-premises consumption.

11 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-110, as
12 last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp.
13 2024, Section 2-110), is amended to read as follows:

14 Section 2-110. A. A mixed beverage license shall authorize the
15 holder thereof:

16 1. To purchase alcohol, spirits, beer and/or wine in retail
17 containers from the holder of a wine and spirits wholesaler and beer
18 distributor license as specifically provided by law;

19 2. To sell, offer for sale and possess mixed beverages for on-
20 premises consumption only, provided:

21 a. the holder of a mixed beverage license issued for an
22 establishment which is also a restaurant may purchase
23 wine directly from a winemaker and beer directly from
24 a small brewer who is permitted and has elected to

1 self-distribute as provided in Article XXVIII-A of the
2 Oklahoma Constitution, and

3 b. the holder of a mixed beverage license that is also a
4 holder of a retail wine license or retail beer license
5 or both a retail wine license and retail beer license
6 shall not be prohibited from the on-premises sale of
7 wine or beer, according to the license held, for off-
8 premises consumption, subject to the limitations of
9 the retail wine license or retail beer license; and

10 3. To sell spirits in their original packages for consumption
11 on its premises under the following conditions:

12 a. spirits in their original packages shall remain and be
13 consumed in the club suite of a mixed beverage
14 licensee and may not be removed from the club suite if
15 not consumed in their entirety at or before the
16 conclusion of the period for which the club suite was
17 made available to a specific patron or patrons by the
18 mixed beverage licensee, and

19 b. spirits in their original packages to be consumed in
20 the club suite are provided exclusively by the mixed
21 beverage licensee.

22 B. Sales and service of mixed beverages by holders of mixed
23 beverage licenses shall be limited to the licensed premises of the
24 licensee unless the holder of the mixed beverage license also

1 obtains a caterer license or a mixed beverage/caterer combination
2 license, or if the holder of a mixed beverage license is an
3 Entertainment District Tenant Party as defined in Section 2393 of
4 Title 68 of the Oklahoma Statutes. A mixed beverage license shall
5 only be issued in counties of this state where the sale of alcoholic
6 beverages by the individual drink for on-premises consumption has
7 been authorized. A separate license shall be required for each
8 place of business.

9 C. Sales and service of mixed beverages by holders of mixed
10 beverage licenses of an Entertainment District Tenant Party shall be
11 limited to the premises of an Entertainment District. For purposes
12 of this subsection, premises may be defined as the designated area
13 of an Entertainment District as defined in Section 2393 of Title 68
14 of the Oklahoma Statutes.

15 D. Holders of a mixed beverage license shall not be prohibited
16 from obtaining and holding a retail beer license or retail wine
17 license or both a retail beer license and retail wine license; nor
18 shall the Alcoholic Beverage Laws Enforcement (ABLE) Commission
19 promulgate any rule that prevents a holder of a mixed beverage
20 license from operating within the premises of, or immediately
21 adjacent to, a retail wine or retail beer license; provided, that
22 each holder qualifies and maintains the qualifications for each
23 license held as set forth in this title and the rules promulgated by
24 the Alcoholic Beverage Laws Enforcement (ABLE) Commission.

1 E. Upon application, a mixed beverage license shall be issued
2 for any place of business functioning as a motion picture theater,
3 as defined by Section 1-103 of this title. Provided, that upon
4 proof of legal age to consume alcohol, every patron being served
5 alcoholic beverages shall be required to wear a wrist bracelet or
6 receive a hand stamp identifying the patron as being of legal age to
7 consume alcohol. This requirement shall only apply inside a motion
8 picture theater auditorium where individuals under the legal age to
9 consume alcohol are allowed.

10 F. Holders of a mixed beverage license with a licensed premises
11 on a business establishment that meets the classification of a golf
12 course or country club pursuant to the most recently adopted North
13 American Industry Classification System (NAICS) may also sell beer
14 in sealed original packages for on-premises consumption. Such
15 holders' sales of more than two sealed original packages to one
16 person at one time for on-premises consumption shall not be
17 considered an unlawful inducement to stimulate consumption of
18 alcoholic beverages under the Oklahoma Alcoholic Beverage Control
19 Act, and patrons may remove sealed original packages from the
20 licensed premises.

21 SECTION 3. This act shall become effective November 1, 2025.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
23 March 6, 2025 - DO PASS
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