

1 **SENATE FLOOR VERSION**

2 February 12, 2026

3 SENATE BILL NO. 1218

By: Kirt

4  
5  
6 An Act relating to alcoholic beverage license;  
7 amending 37A O.S. 2021, Sections 3-101, as amended by  
8 Section 498, Chapter 486, O.S.L. 2025, and 5-103 (37A  
9 O.S. Supp. 2025, Section 3-101), which relate to  
10 possession and making of alcoholic beverages and  
11 exemptions from excise tax; removing certain  
12 references to personal use permit; updating statutory  
13 language; updating statutory references; repealing  
14 37A O.S. 2021, Section 2-140, which relates to  
15 personal use permit; and providing an effective date.

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

17 SECTION 1. AMENDATORY 37A O.S. 2021, Section 3-101, as  
18 amended by Section 498, Chapter 486, O.S.L. 2025 (37A O.S. Supp.  
19 2025, Section 3-101), is amended to read as follows:

20 Section 3-101. A. No person shall manufacture, rectify, sell,  
21 possess, store, import into or export from this state, transport, or  
22 deliver any alcoholic beverage except as specifically provided in  
23 the Oklahoma Alcoholic Beverage Control Act. ~~Provided, that nothing~~  
24 ~~herein~~ Nothing in this section shall prevent the possession and  
transportation of alcoholic beverages for the personal use of the  
possessor and his or her family and guests, so long as the Oklahoma  
excise tax has been paid thereon, except for beer. ~~Provided,~~

1 ~~further, that nothing herein~~ Nothing in this section shall prevent a  
2 person from making beer, cider, or wine, by simple fermentation and  
3 without distillation for personal use if ~~the maker of such beverages~~  
4 ~~has first applied for and possesses a valid personal use permit~~  
5 ~~issued by the ABLE Commission and~~ the total volume of beer, cider,  
6 or wine produced in any given calendar year is less than two hundred  
7 (200) gallons. No beverages made ~~pursuant to a~~ for personal use  
8 ~~permit~~ shall be sold or offered for sale.

9 B. 1. Any duly licensed physician or dentist may possess and  
10 use alcoholic beverages in the strict practice of the profession and  
11 any hospital or other institution caring for sick or diseased  
12 persons may possess and use alcoholic beverages for the treatment of  
13 bona fide patients of such hospital or institution. Any drugstore  
14 employing a licensed pharmacist may possess and use alcoholic  
15 beverages in the preparation of prescriptions of duly licensed  
16 physicians.

17 2. The possession, transportation, and dispensation of wine by  
18 any authorized representative of any church for the conducting of a  
19 bona fide rite or religious ceremony conducted by such church shall  
20 not be prohibited by the Oklahoma Alcoholic Beverage Control Act;  
21 nor shall such act prevent the sale, shipping, or delivery of  
22 sacramental wine by any person holding a sacramental wine supplier  
23 license issued pursuant to the Oklahoma Alcoholic Beverage Control  
24 Act to any religious corporation or society of this state holding a

1 valid exemption from taxation issued pursuant to Section 501(a) of  
2 the Internal Revenue Code, 1954, and listed as an exempt  
3 organization in Section 501(c)(3) of the Internal Revenue Code,  
4 1954, of the United States, as amended.

5 3. ~~Provided further, that nothing~~ Nothing in the Oklahoma  
6 Alcoholic Beverage Control Act shall prevent the possession,  
7 transportation, and sale of alcoholic beverages within military  
8 reservations and in accordance with the laws and rules governing  
9 such military reservations, provided that the Oklahoma excise tax  
10 has been paid on such beverages.

11 C. 1. Except as otherwise authorized by law, it is unlawful  
12 for any brewer, manufacturer, wine and spirits wholesaler, beer  
13 distributor, or retailer of alcoholic beverages, located and doing  
14 business from outside this state, to make retail sales of alcoholic  
15 beverages to purchasers located in this state or to ship alcoholic  
16 beverages sold at retail to persons located in this state. Any  
17 person who engages in the sale or shipping of alcoholic beverages in  
18 violation of the provisions of this subsection, upon conviction,  
19 shall be guilty of a Class D1 felony offense punishable by  
20 imprisonment as provided for in subsections B through F of Section  
21 20N of Title 21 of the Oklahoma Statutes, if the sale or delivery is  
22 made to a person under twenty-one (21) years of age, or a  
23 misdemeanor, if the sale or delivery is made to a person twenty-one  
24 (21) years of age or older.



1 3. Alcoholic beverages used exclusively by licensed physicians  
2 and dentists in the bona fide practice of their professions or by  
3 licensed pharmacists in compounding prescriptions;

4 ~~4. Beer, cider and wine made for personal use pursuant to a  
5 personal use permit issued as provided in Section 70 of this act;~~

6 ~~5.~~ Wine used exclusively for sacramental purposes in bona fide  
7 religious ceremonies;

8 ~~6.~~ 5. Alcoholic beverages, not exceeding one (1) liter,  
9 imported into this state by the possessor for his or her own  
10 personal use;

11 ~~7.~~ 6. Alcoholic beverages provided to attendees, free of  
12 charge, at charitable events licensed and approved by the ~~ABLE~~  
13 Alcoholic Beverage Laws Enforcement (ABLE) Commission; and

14 ~~8.~~ 7. Mixed beverage and public event licensees which utilize  
15 the services of a licensed caterer.

16 B. As a condition precedent to the allowance of any exemption  
17 authorized by subsection A of this section:

18 1. If a license or permit is required by the Oklahoma Alcoholic  
19 Beverage Control Act, ~~for such use,~~ the person claiming any such  
20 exemption ~~must~~ shall have obtained from the ABLE Commission the  
21 license or permit authorizing such exempt use; and

22 2. ~~There must be furnished such proof~~ Proof of the exclusive  
23 use for such exempt purposes shall be provided as required by the  
24 Oklahoma Tax Commission ~~may require~~.

1 SECTION 3. REPEALER 37A O.S. 2021, Section 2-140, is  
2 hereby repealed.

3 SECTION 4. This act shall become effective November 1, 2026.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
5 February 12, 2026 - DO PASS  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24