

1 **SENATE FLOOR VERSION**

2 March 5, 2026

3 **AS AMENDED**

4 SENATE BILL NO. 1442

5 By: Dossett and Mann

6 **[alcoholic beverage license fees - production limits**
7 **- exception - fine amounts - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-103, as
11 last amended by Section 2, Chapter 190, O.S.L. 2025 (37A O.S. Supp.
12 2025, Section 1-103), is amended to read as follows:

13 Section 1-103. As used in the Oklahoma Alcoholic Beverage
14 Control Act:

15 1. "ABLE Commission" or "Commission" means the Alcoholic
16 Beverage Laws Enforcement Commission;

17 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
18 alcohol, ethanol or spirits of wine, from whatever source or by
19 whatever process produced. It does not include wood alcohol or
20 alcohol which has been denatured or produced as denatured in
21 accordance with Acts of Congress and regulations promulgated
22 thereunder;

23 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
24 as those terms are defined herein and also includes every liquid or

1 solid, patented or not, containing alcohol, spirits, wine or beer
2 and capable of being consumed as a beverage by human beings;

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

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

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

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

1 8. "Bottle club" means any establishment in a county which has
2 not authorized the retail sale of alcoholic beverages by the
3 individual drink, which is required to be licensed to keep, mix and
4 serve alcoholic beverages belonging to club members on club
5 premises;

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

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

13 11. "Brand extension" means:

14 a. after October 1, 2018, any brand of beer or cider
15 introduced by a manufacturer in this state which
16 either:

17 (1) incorporates all or a substantial part of the
18 unique features of a preexisting brand of the
19 same licensed brewer, or

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

22 b. any brand of beer that a brewer, the majority of whose
23 total volume of all brands of beer distributed in this
24 state by such brewer on January 1, 2016, was

1 distributed as low-point beer, desires to sell,
2 introduces, begins selling or theretofore has sold and
3 desires to continue selling a strong beer in this
4 state which either:

- 5 (1) incorporates or incorporated all or a substantial
6 part of the unique features of a preexisting low-
7 point beer brand of the same licensed brewer, or
8 (2) relies or relied to a significant extent on the
9 goodwill associated with a preexisting low-point
10 beer brand;

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

15 13. "Brewpub" means a licensed establishment operated on the
16 premises of, or on premises located contiguous to, a small brewer,
17 that prepares and serves food and beverages, including alcoholic
18 beverages, for on-premises consumption;

19 14. "Cider" means any alcoholic beverage obtained by the
20 alcoholic fermentation of fruit juice, including but not limited to
21 flavored, sparkling or carbonated cider. For the purposes of the
22 manufacture of this product, cider may be manufactured by either
23 manufacturers or brewers. For the purposes of the distribution of
24

1 this product, cider may be distributed by either wine and spirits
2 wholesalers or beer distributors;

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

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

15 17. "Convenience store" means any person primarily engaged in
16 retailing a limited range of general household items and groceries,
17 with extended hours of operation, whether or not engaged in retail
18 sales of automotive fuels in combination with such sales;

19 18. "Convicted" and "conviction" mean and include a finding of
20 guilt resulting from a plea of guilty or nolo contendere, the
21 decision of a court or magistrate or the verdict of a jury,
22 irrespective of the pronouncement of judgment or the suspension
23 thereof;

24

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

4 20. "Designated wholesaler" means a wine and spirits wholesaler
5 who has been selected by a manufacturer as a wholesaler appointed to
6 distribute designated products;

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

8 22. "Distiller" means any person who produces two thousand four
9 hundred (2,400) proof gallons or more annually of spirits from any
10 source or substance, or any person who brews or makes mash, wort or
11 wash, fit for distillation or for the production of spirits ~~(except~~
12 except a person making or using such material in the authorized
13 production of wine or beer, or the production of vinegar by
14 ~~fermentation),~~ fermentation, or any person who by any process
15 separates alcoholic spirits from any fermented substance, or any
16 person who, making or keeping mash, wort or wash, has also in his or
17 her possession or use a still;

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

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

23 25. "Event venue" means any nongovernmental location, property,
24 space, premises, grounds, building or buildings, or other site that

1 offers to the general public for rent, lease, reservation, or other
2 contractual use, for the hosting of a function, occasion, or event,
3 special, private, or public, of a temporary nature. The location,
4 property, space, premises, grounds, or building or buildings defined
5 in this paragraph shall not include those owned, leased, or occupied
6 by organizations exempt from taxation pursuant to the provisions of
7 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

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

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

14 b. as strong beer pursuant to the Oklahoma Alcoholic
15 Beverage Control Act in effect immediately prior to
16 October 1, 2018,

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

20 27. "Fair market value" means the value in the subject
21 territory covered by the written agreement with the distributor or
22 wholesaler that would be determined in an arm's length transaction
23 entered into without duress or threat of termination of the
24

1 distributor's or wholesaler's rights and shall include all elements
2 of value, including goodwill and going-concern value;

3 28. "Good cause" means:

4 a. failure by the distributor to comply with the material
5 and reasonable provisions of a written agreement or
6 understanding with the brewer, or

7 b. failure by the distributor to comply with the duty of
8 good faith;

9 29. "Good faith" means the duty of each party to any
10 distributor agreement and all officers, employees or agents thereof
11 to act with honesty in fact and within reasonable standards of fair
12 dealing in the trade;

13 30. "Grocery store" means a person primarily engaged in
14 retailing a general line of food, such as canned or frozen foods,
15 fresh fruits and vegetables, and fresh and prepared meats, fish and
16 poultry;

17 31. "Hotel" or "motel" means an establishment which is licensed
18 to sell alcoholic beverages by the individual drink and which
19 contains guest room accommodations with respect to which the
20 predominant relationship existing between the occupants thereof and
21 the owner or operator of the establishment is that of innkeeper and
22 guest. For purposes of this section, the existence of other legal
23 relationships as between some occupants and the owner or operator
24 thereof shall be immaterial;

1 32. "Legal newspaper" means a newspaper meeting the requisites
2 of a newspaper for publication of legal notices as prescribed in
3 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

4 33. "Licensee" means any person holding a license under the
5 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
6 employee of such licensee while in the performance of any act or
7 duty in connection with the licensed business or on the licensed
8 premises;

9 34. "Low-point beer" shall mean any beverages containing more
10 than one-half of one percent (1/2 of 1%) alcohol by volume, and not
11 more than three and two-tenths percent (3.2%) alcohol by weight,
12 including but not limited to beer or cereal malt beverages obtained
13 by the alcoholic fermentation of an infusion by barley or other
14 grain, malt or similar products;

15 35. "Manufacturer" means a distiller, micro-distiller,
16 winemaker, rectifier or bottler of any alcoholic beverage (other
17 than beer) and its subsidiaries, affiliates and parent companies;

18 36. "Manufacturer's agent" means a salaried or commissioned
19 salesperson who is the agent authorized to act on behalf of the
20 manufacturer or nonresident seller in this state;

21 37. "Meals" means foods commonly ordered at lunch or dinner and
22 at least part of which is cooked on the licensed premises and
23 requires the use of dining implements for consumption. Provided,
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1 that the service of only food such as appetizers, sandwiches, salads
2 or desserts shall not be considered meals;

3 38. "Micro-distiller" means any person who produces less than
4 two thousand four hundred (2,400) proof gallons annually of spirits
5 from any source or substance, or any person who brews or makes mash,
6 wort or wash, fit for distillation or for the production of spirits
7 except a person making or using such material in the authorized
8 production of wine or beer, or the production of vinegar by
9 fermentation, or any person who by any process separates alcoholic
10 spirits from any fermented substance, or any person who, making or
11 keeping mash, wort or wash, has also in his or her possession or use
12 a still;

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

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

19 ~~39.~~ 40. "Mixed beverage cooler" means any beverage, by whatever
20 name designated, consisting of an alcoholic beverage and fruit or
21 vegetable juice, fruit or vegetable flavorings, dairy products or
22 carbonated water containing more than one-half of one percent (1/2
23 of 1%) of alcohol measured by volume but not more than seven percent
24 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is

1 packaged in a container not larger than three hundred seventy-five
2 (375) milliliters. Such term shall include but not be limited to
3 the beverage popularly known as a "wine cooler";

4 ~~40.~~ 41. "Mixed beverages" means one or more servings of a
5 beverage composed in whole or in part of an alcoholic beverage in a
6 sealed or unsealed container of any legal size for consumption on
7 the premises where served or sold by the holder of a mixed beverage,
8 beer and wine, caterer, public event, charitable event or special
9 event license; provided, that a beer, cider, or wine mixed with
10 ingredients nonalcoholic in nature including, but not limited to,
11 water, juice, sugar, fruits, or vegetables and sold by a small
12 brewer, brewpub, small farm winery, or winemaker, shall not be
13 considered a mixed beverage so long as such small brewer, brewpub,
14 small farm winery, or winemaker does not also hold an on-premises
15 beer and wine, mixed beverage, caterer, public event, or special
16 event license, if permitted by law;

17 ~~41.~~ 42. "Motion picture theater" means an establishment which
18 is licensed by Section 2-110 of this title to sell alcoholic
19 beverages by the individual drink and where motion pictures are
20 exhibited, and to which the general public is admitted;

21 ~~42.~~ 43. "Nondesignated products" means the brands of wine or
22 spirits offered for sale by a manufacturer that have not been
23 assigned to a designated wholesaler;

24

1 ~~43.~~ 44. "Nonresident seller" means any person licensed pursuant
2 to Section 2-135 of this title;

3 ~~44.~~ 45. "Retail salesperson" means a salesperson soliciting
4 orders from and calling upon retail alcoholic beverage stores with
5 regard to his or her product;

6 ~~45.~~ 46. "Occupation" as used in connection with "occupation
7 tax" means the sites occupied as the places of business of the
8 manufacturers, brewers, wholesalers, beer distributors, retailers,
9 mixed beverage licensees, on-premises beer and wine licensees,
10 bottle clubs, caterers, public event and special event licensees;

11 ~~46.~~ 47. "Original package" means any container of alcoholic
12 beverage filled and stamped or sealed by the manufacturer or brewer;

13 ~~47.~~ 48. "Package store" means any sole proprietor or
14 partnership that qualifies to sell wine, beer and/or spirits for
15 off-premises consumption and that is not a grocery store,
16 convenience store or drug store, or other retail outlet that is not
17 permitted to sell wine or beer for off-premises consumption;

18 ~~48.~~ 49. "Patron" means any person, customer or visitor who is
19 not employed by a licensee or who is not a licensee;

20 ~~49.~~ 50. "Person" means an individual, any type of partnership,
21 corporation, association, limited liability company or any
22 individual involved in the legal structure of any such business
23 entity;

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1 ~~50.~~ 51. "Premises" means the grounds and all buildings and
2 appurtenances pertaining to the grounds including any adjacent
3 premises if under the direct or indirect control of the licensee and
4 the rooms and equipment under the control of the licensee and used
5 in connection with or in furtherance of the business covered by a
6 license. Provided, that the ABLE Commission shall have the
7 authority to designate areas to be excluded from the licensed
8 premises solely for the purpose of:

- 9 a. allowing the presence and consumption of alcoholic
10 beverages by private parties which are closed to the
11 general public, or
- 12 b. allowing the services of a caterer serving alcoholic
13 beverages provided by a private party.

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

17 ~~51.~~ 52. "Private event" means a social gathering or event
18 attended by invited guests who share a common cause, membership,
19 business or task and have a prior established relationship. For
20 purposes of this definition, advertisement for general public
21 attendance or sales of tickets to the general public shall not
22 constitute a private event;

23 ~~52.~~ 53. "Public event" means any event that can be attended by
24 the general public;

1 ~~53.~~ 54. "Rectifier" means any person who rectifies, purifies or
2 refines spirits or wines by any process (other than by original and
3 continuous distillation, or original and continuous processing, from
4 mash, wort, wash or other substance, through continuous closed
5 vessels and pipes, until the production thereof is complete), and
6 any person who, without rectifying, purifying or refining spirits,
7 shall by mixing (except for immediate consumption on the premises
8 where mixed) such spirits, wine or other liquor with any material,
9 manufactures any spurious, imitation or compound liquors for sale,
10 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
11 or any other name;

12 ~~54.~~ 55. "Regulation" or "rule" means a formal rule of general
13 application promulgated by the ABLE Commission as herein required;

14 ~~55.~~ 56. "Restaurant" means an establishment that is licensed to
15 sell alcoholic beverages by the individual drink for on-premises
16 consumption and where food is prepared and sold for immediate
17 consumption on the premises;

18 ~~56.~~ 57. "Retail container for spirits and wines" means an
19 original package of any capacity approved by the United States
20 Bureau of Alcohol, Tobacco, Firearms and Explosives;

21 ~~57.~~ 58. "Retailer" means a package store, grocery store,
22 convenience store or drug store licensed to sell alcoholic beverages
23 for off-premises consumption pursuant to a retail spirits license,
24 retail wine license or retail beer license;

1 ~~58.~~ 59. "Sale" means any transfer, exchange or barter in any
2 manner or by any means whatsoever, and includes and means all sales
3 made by any person, whether as principal, proprietor or as an agent,
4 servant or employee. The term sale is also declared to be and
5 include the use or consumption in this state of any alcoholic
6 beverage obtained within or imported from without this state, upon
7 which the excise tax levied by the Oklahoma Alcoholic Beverage
8 Control Act has not been paid or exempted;

9 ~~59.~~ 60. "Seltzer" means any beverage containing more than one-
10 half of one percent (0.50%) of alcohol by volume and obtained by the
11 alcoholic fermentation of malt, rice, grain of any kind, bran,
12 glucose, sugar, or molasses and combined with carbonated water and
13 other flavoring and labeled as "beer" by the Internal Revenue Code;
14 provided, that seltzer shall not include carbonated beverages mixed
15 with wine or spirits;

16 ~~60.~~ 61. "Short-order food" means food other than full meals
17 including but not limited to sandwiches, soups and salads.
18 Provided, that popcorn, chips and other similar snack food shall not
19 be considered short-order food;

20 ~~61.~~ 62. "Small brewer" means a brewer who manufactures less
21 than sixty-five thousand (65,000) barrels of beer annually pursuant
22 to a validly issued small brewer license hereunder;

1 ~~62.~~ 63. "Small farm wine" means a wine that is produced by a
2 small farm winery with seventy-five percent (75%) or more Oklahoma-
3 grown grapes, berries, other fruits, honey or vegetables;

4 ~~63.~~ 64. "Small farm winery" means a wine-making establishment
5 that does not annually produce for sale more than fifteen thousand
6 (15,000) gallons of wine as reported on the United States Department
7 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
8 Wine Premises Operations (TTB Form 5120.17);

9 ~~64.~~ 65. "Sparkling wine" means champagne or any artificially
10 carbonated wine;

11 ~~65.~~ 66. "Special event" means an entertainment, recreation or
12 marketing event that occurs at a single location on an irregular
13 basis and at which alcoholic beverages are sold;

14 ~~66.~~ 67. "Spirits" means any beverage other than wine or beer,
15 which contains more than one-half of one percent (1/2 of 1%) alcohol
16 measured by volume, and obtained by distillation, whether or not
17 mixed with other substances in solution and includes those products
18 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
19 fortified wines and similar compounds, but shall not include any
20 alcohol liquid completely denatured in accordance with the Acts of
21 Congress and regulations pursuant thereto;

22 ~~67.~~ 68. "Strong beer" means beer which, prior to October 1,
23 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
24 Control Act, Section 1-101 et seq. of this title;

1 ~~68.~~ 69. "Successor brewer" means a primary source of supply, a
2 brewer, a cider manufacturer or an importer that acquires rights to
3 a beer or cider brand from a predecessor brewer;

4 ~~69.~~ 70. "Tax Commission" means the Oklahoma Tax Commission;

5 ~~70.~~ 71. "Territory" means a geographic region with a specified
6 boundary;

7 ~~71.~~ 72. "Wine and spirits wholesaler" or "wine and spirits
8 distributor" means and includes any sole proprietorship or
9 partnership licensed to distribute wine and spirits in this state.
10 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
11 Control Act, shall be construed to refer to a wine and spirits
12 wholesaler;

13 ~~72.~~ 73. "Wine" means and includes any beverage containing more
14 than one-half of one percent (1/2 of 1%) alcohol by volume and not
15 more than twenty-four percent (24%) alcohol by volume at sixty (60)
16 degrees Fahrenheit obtained by the fermentation of the natural
17 contents of fruits, vegetables, honey, milk or other products
18 containing sugar, whether or not other ingredients are added, and
19 includes vermouth and sake, known as Japanese rice wine;

20 ~~73.~~ 74. "Winemaker" means and includes any person or
21 establishment who manufactures for human consumption any wine upon
22 which a license fee and a tax are imposed by any law of this state;

23 ~~74.~~ 75. "Satellite tasting room" means a licensed establishment
24 operated off the licensed premises of the holder of a small farm

1 winery or winemaker license, which serves wine for on-premises or
2 off-premises consumption; and

3 ~~75.~~ 76. "Straw testing" means the consumption of a de minimis
4 amount of an alcoholic beverage by sanitary means by the holder of
5 an employee license, twenty-one (21) years of age or older, to
6 determine the quality or desired flavor profile of such alcoholic
7 beverage that has been serviced, or is to be served, to a patron.

8 ~~Words in the plural include the singular, and vice versa, and~~
9 ~~words imparting the masculine gender include the feminine, as well~~
10 ~~as persons and licensees as defined in this section.~~

11 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-101, as
12 last amended by Section 3, Chapter 190, O.S.L. 2025 (37A O.S. Supp.
13 2025, Section 2-101), is amended to read as follows:

14 Section 2-101. A. Except as otherwise provided in this
15 section, the licenses issued by the ~~ABLE~~ Alcoholic Beverage Laws
16 Enforcement (ABLE) Commission, and the annual fees therefor, shall
17 be as follows:

- | | | |
|----|--|---|
| 18 | 1. Brewer License..... | \$1,250.00 |
| 19 | 2. Small Brewer License..... | \$125.00 |
| 20 | 3. Distiller License..... | \$3,125.00 <u>\$1,000.00</u> |
| 21 | 4. <u>Micro-distiller license</u> | <u>\$325.00</u> |
| 22 | 5. <u>Winemaker License</u> | \$625.00 |
| 23 | 5. <u>6.</u> Small Farm Winery License..... | \$75.00 |
| 24 | 6. <u>7.</u> Rectifier License..... | \$3,125.00 |

1	7. <u>8.</u>	Wine and Spirits Wholesaler License.....	\$3,000.00
2	8. <u>9.</u>	Beer Distributor License.....	\$750.00
3	9. <u>10.</u>	The following retail spirits license fees	
4		shall be determined by the latest Federal	
5		Decennial Census:	
6	a.	Retail Spirits License for cities and	
7		towns from 200 to 2,500 population.....	\$305.00
8	b.	Retail Spirits License for cities and	
9		towns from 2,501 to 5,000 population.....	\$605.00
10	c.	Retail Spirits License for cities and	
11		towns over 5,000 population.....	\$905.00
12	10. <u>11.</u>	Retail Wine License.....	\$1,000.00
13	11. <u>12.</u>	Retail Beer License.....	\$500.00
14	12. <u>13.</u>	Mixed Beverage License.....	\$1,005.00
15			(initial license)
16			\$905.00
17			(renewal)
18	13. <u>14.</u>	Mixed Beverage/Caterer Combination	
19		License.....	\$1,250.00
20	14. <u>15.</u>	On-Premises Beer and Wine License.....	\$500.00
21			(initial license)
22			\$450.00
23			(renewal)
24	15. <u>16.</u>	Bottle Club License.....	\$1,000.00

1		(initial license)	
2			\$900.00
3		(renewal)	
4	16. <u>17.</u>	Caterer License.....	\$1,005.00
5		(initial license)	
6			\$905.00
7		(renewal)	
8	17. <u>18.</u>	Annual Special Event License.....	\$55.00
9	18. <u>19.</u>	Quarterly Special Event License.....	\$55.00
10	19. <u>20.</u>	Hotel Beverage License.....	\$1,005.00
11		(initial license)	
12			\$905.00
13		(renewal)	
14	20. <u>21.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
15		License.....	\$1,005.00
16		(initial license)	
17			\$905.00
18		(renewal)	
19	21. <u>22.</u>	Agent License.....	\$55.00
20	22. <u>23.</u>	Employee License.....	\$30.00
21	23. <u>24.</u>	Industrial License.....	\$23.00
22	24. <u>25.</u>	Carrier License.....	\$23.00
23	25. <u>26.</u>	Private Carrier License.....	\$23.00
24	26. <u>27.</u>	Bonded Warehouse License.....	\$190.00

1	27. <u>28.</u>	Storage License.....	\$23.00
2	28. <u>29.</u>	Nonresident Seller License	\$750.00
3	29. <u>30.</u>	Manufacturer License:	
4	a.	50 cases or less sold in Oklahoma in	
5		last calendar year.....	\$50.00
6	b.	51 to 500 cases sold in Oklahoma in	
7		last calendar year.....	\$75.00
8	c.	501 cases or more sold in Oklahoma in	
9		last calendar year.....	\$150.00
10	30. <u>31.</u>	Manufacturer's Agent License.....	\$55.00
11	31. <u>32.</u>	Sacramental Wine Supplier License.....	\$100.00
12	32. <u>33.</u>	Charitable Auction License.....	\$1.00
13	33. <u>34.</u>	Charitable Alcoholic Beverage License.....	\$55.00
14	34. <u>35.</u>	Winemaker Self-Distribution License:	
15	a.	produced ten thousand (10,000) gallons	
16		or less in last calendar year.....	\$350.00
17	b.	produced more than ten thousand	
18		(10,000) gallons but no more than	
19		fifteen thousand (15,000) gallons in	
20		last calendar year.....	\$750.00
21	35. <u>36.</u>	Annual Public Event License.....	\$1,005.00
22	36. <u>37.</u>	One-Time Public Event License.....	\$255.00
23	37. <u>38.</u>	Small Brewer Self-Distribution License:	

- 1 a. produced fifteen thousand (15,000)
- 2 barrels or less in last calendar year..... \$350.00
- 3 b. produced more than fifteen thousand
- 4 (15,000) barrels in last calendar year..... \$750.00
- 5 ~~38.~~ 39. Brewpub License..... \$1,005.00
- 6 ~~39.~~ 40. Brewpub Self-Distribution License..... \$750.00
- 7 ~~40.~~ 41. Complimentary Beverage License..... \$75.00
- 8 ~~41.~~ 42. Satellite Tasting Room License..... \$100.00
- 9 ~~42.~~ 43. Event Bartender License..... \$50.00

10 B. 1. There shall be added to the initial or renewal fees for
11 a mixed beverage license an administrative fee, which shall not be
12 deemed to be a license fee, in the amount of Five Hundred Dollars
13 (\$500.00), which shall be paid at the same time and in the same
14 manner as the license fees prescribed by paragraph 12 of subsection
15 A of this section; provided, this fee shall not be assessed against
16 service organizations or fraternal beneficiary societies which are
17 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
18 Code.

19 2. There shall be added to the fee for a mixed beverage/caterer
20 combination license an administrative fee, which shall not be deemed
21 to be a license fee, in the amount of Two Hundred Fifty Dollars
22 (\$250.00), which shall be paid at the same time and in the same
23 manner as the license fee prescribed by paragraph 13 of subsection A
24 of this section.

1 C. Notwithstanding the provisions of subsection A of this
2 section:

3 1. The license fee for a mixed beverage or bottle club license
4 for those service organizations or fraternal beneficiary societies
5 which are exempt under Section 501(c)(19), (8) or (10) of the
6 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
7 year; and

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

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

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

17 F. The holder of a license, issued by the ABLE Commission, for
18 a bottle club located in a county of this state where the sale of
19 alcoholic beverages by the individual drink for on-premises
20 consumption has been authorized, may exchange the bottle club
21 license for a mixed beverage license or an on-premises beer and wine
22 license and operate the licensed premises as a mixed beverage
23 establishment or an on-premises beer and wine establishment subject
24 to the provisions of the Oklahoma Alcoholic Beverage Control Act.

1 There shall be no additional fee for such exchange and the mixed
2 beverage license or on-premises beer and wine license issued shall
3 expire one (1) year from the date of issuance of the original bottle
4 club license.

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

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

- 1 10. Mixed Beverage License..... \$25.00
- 2 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 3 12. Caterer License..... \$25.00
- 4 13. On-Premises Beer and Wine License..... \$25.00
- 5 14. Annual Public Event License..... \$25.00
- 6 15. Small Farm Winery License..... \$25.00
- 7 16. Small Brewer License..... \$35.00
- 8 17. Complimentary Beverage License..... \$25.00

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

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

20 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-103, as
 21 amended by Section 5, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2025,
 22 Section 2-103), is amended to read as follows:

23 Section 2-103. A. A distiller or micro-distiller license shall
 24 authorize the holder thereof:

- 1 1. To manufacture, bottle, package and store spirits on
2 licensed premises;
- 3 2. To sell spirits in this state to licensed wholesalers and
4 manufacturers only;
- 5 3. To sell spirits out of this state to qualified persons; to
6 purchase from licensed distillers, micro-distillers, and rectifiers
7 in this state, and import spirits from without this state for
8 manufacturing purposes in accordance with federal laws and
9 regulations;
- 10 4. To serve free samples of spirits produced only by the
11 licensee to visitors twenty-one (21) years of age and older. For
12 purposes of this section, no visitor may sample more than a total of
13 three (3) fluid ounces of spirits per day. The distiller shall
14 restrict the distribution and consumption of spirits samples to an
15 area within the licensed premises designated by the distiller. A
16 current floor plan that includes the designated sampling area shall
17 be on file with the ABLE Commission. No visitor under twenty-one
18 (21) years of age shall be permitted to enter the designated
19 sampling area when samples are being distributed and consumed.
20 Samples of spirits served by a distiller under this section shall
21 not be considered a sale of spirits within the meaning of Article
22 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
23 title; provided, such samples of spirits shall be considered removed
24 or withdrawn from the distillery for use or consumption within the

1 meaning of Section 5-110 of this title for excise tax determination
2 and reporting requirements;

3 5. To sell spirits produced by the licensee for either on-
4 premises or off-premises consumption to consumers on the licensed
5 distillery premises or in an area controlled by the licensee located
6 contiguous to the licensed distillery premises and at one (1)
7 location controlled by the licensee located in the same county as
8 the licensed distillery premises but not contiguous to the licensed
9 distillery premises. Spirits offered for sale by the Oklahoma
10 licensed distiller will have been sold to and shipped to an Oklahoma
11 licensed wine and spirits wholesaler and then made available for
12 purchase by the Oklahoma licensed distiller for sale; and

13 6. To sell spirits at public events such as trade shows or
14 festivals. Products offered for sale by the Oklahoma licensed
15 distiller will have been sold to and shipped to an Oklahoma licensed
16 wine and spirits wholesaler and then made available for purchase by
17 the Oklahoma licensed distiller.

18 B. Spirits sold pursuant to paragraphs 5 and 6 of subsection A
19 of this section shall not exceed ~~fifteen~~:

20 1. Fifteen thousand (15,000) gallons per calendar year in
21 combination by a distiller; or

22 2. Two thousand four hundred (2,400) proof gallons per calendar
23 year in combination by a micro-distiller.

24

1 C. Spirits sold pursuant to paragraphs 5 and 6 of subsection A
2 of this section shall be a final sale. Licensed distillers may
3 offer for sale non-alcoholic substances which may be added to
4 spirits by the consumer after final sale. Substances used for on-
5 premises consumption shall be non-alcoholic in nature and shall not
6 be considered part of the manufacturing process.

7 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-142, as
8 amended by Section 1, Chapter 3, O.S.L. 2025 (37A O.S. Supp. 2025,
9 Section 2-142), is amended to read as follows:

10 Section 2-142. A. No license provided for in the Oklahoma
11 Alcoholic Beverage Control Act shall be issued except pursuant to an
12 application filed with the ABLE Commission. The ABLE Commission
13 may, however, provide for a form of simplified application for
14 renewal of a license. Payment of the prescribed fee shall accompany
15 each application for a license.

16 B. Every applicant for an original license, except applicants
17 for an employee, charitable event, special event or airline/railroad
18 beverage license, shall also furnish the following:

19 1. A tax receipt proving payment of ad valorem taxes, including
20 real and personal taxes, or furnish to the ABLE Commission
21 satisfactory evidence that no taxes are due or delinquent;

22 2. A certificate of zoning issued by the municipality in which
23 the applicant proposes to locate the applicant's principal place of
24 business under the license, or by the county if the principal place

1 of business is located outside the incorporated limits of a
2 municipality, certifying that the applicant's proposed location and
3 use thereof comply with all municipal zoning ordinances or county
4 zoning regulations if applicable;

5 3. A certificate issued by the municipality in which the
6 applicant proposes to locate the applicant's principal place of
7 business under the license, or by the county if the principal place
8 of business is located outside the incorporated limits of a
9 municipality, certifying that the applicant's existing or proposed
10 operations under the license comply with all municipal or county
11 fire codes, safety codes, or health codes, if applicable;

12 4. Authorization, on forms furnished by the ABLE Commission,
13 for complete investigation of the applicant's current financial
14 status as it relates to the application for a license, including but
15 not limited to access to bank accounts, loan agreements and
16 financial statements;

17 5. A deed, management agreement, purchasing agreement or lease;
18 and

19 6. Proof of liability insurance covering both bodily injury and
20 property damage.

21 C. The certificates required by paragraphs 2 and 3 of
22 subsection B of this section shall be signed by the mayor of the
23 municipality or the chair of the board of county commissioners
24 issuing same, unless the municipality, by ordinance, or the county

1 designates some other officer or entity to issue the certificates.
2 Applications for such certificates shall be in writing and shall
3 contain information in such detail as the municipality or county may
4 reasonably require describing the location and nature of operations
5 to be conducted under the license. Municipalities and counties
6 shall be required to act on all applications for such certificates
7 within twenty (20) days of receipt of the written application.

8 D. Municipalities and counties may grant conditional
9 certificates for premises proposed for licensed operations for which
10 construction, modification or alteration is not completed.
11 Conditional certificates shall indicate that the proposed premises
12 will comply with the municipal or county zoning, fire, safety and
13 health codes. The granting of conditional certificates shall not
14 relieve the applicant of the duty of obtaining the certificates
15 required by paragraphs 2 and 3 of subsection B of this section after
16 completion of the construction, modification, or alteration.

17 E. A municipality or county shall issue the certificates
18 required by paragraphs 2 and 3 of subsection B of this section
19 within ten (10) days after all final inspections are completed.

20 Thereafter if a licensee fails to maintain compliance with
21 municipal or county zoning ordinances and codes, the mayor or chair
22 of the board of county commissioners or their designee, shall
23 forthwith notify the ABLE Commission in writing setting forth
24 details of the noncompliance.

1 F. Within ten (10) days of the receipt of all information
2 required in subsections B through E of this section, the ABLE
3 Commission shall notify the applicant in writing of any deficiencies
4 in the application with a description of what actions need to be
5 taken to cure the deficiencies. The applicant shall then have a
6 reasonable period of time to provide the additional information
7 sufficient to complete the application. Upon a completed
8 application, the ABLE Commission shall issue or deny the license
9 within twenty (20) days of the applicant's final submission. The
10 ABLE Commission's denial of issuance of a license shall be in
11 writing and shall state with specificity the reasons for the denial.

12 G. Upon issuance of any license, the ABLE Commission shall
13 furnish the Oklahoma Tax Commission with a list of such licenses.

14 H. In the event of denial of an application for a license, the
15 ABLE Commission shall refund to the applicant the amount of the
16 tendered fee, less ten percent (10%), which it shall retain as cost
17 of processing the application.

18 I. Any licensee, except an employee licensee, who fails to
19 renew the license prior to the expiration date of the license, shall
20 be subject to a late renewal penalty as provided by rules of the
21 ABLE Commission. Further, any licensee, except an employee
22 licensee, who fails to renew the license within sixty (60) days of
23 the expiration of the license shall be required to submit a new
24 license application. An employee licensee who fails to renew prior

1 to the expiration of the license shall be required to submit a new
2 license application; provided, however, that under no circumstances
3 shall any licensee, including an employee licensee, whose license to
4 serve or sell alcoholic beverages has expired, continue to serve or
5 sell alcoholic beverages.

6 J. The requirements in this section shall be required for a
7 public event license applicant, except for those certificates
8 required by paragraphs 2 and 3 of subsection B of this section as
9 the events are temporary in nature and the locations are not
10 permanently licensed.

11 K. Micro-distiller license applicants shall not be required to
12 provide a certificate of compliance from a municipality or county
13 provided that the micro-distiller licensee:

14 1. Is located outside of the corporate limits of any
15 municipality;

16 2. Remains under the production limit set forth in subsection B
17 of Section 2-103 of this title;

18 3. Is not open to the public for tours, tastings, or events;

19 4. Is in a stand-alone building of less than five thousand
20 (5,000) square feet; and

21 5. Employs three or fewer individuals, not including owners or
22 independent contractors.

23

24

1 SECTION 5. AMENDATORY 37A O.S. 2021, Section 2-148, as
2 amended by Section 1, Chapter 128, O.S.L. 2023 (37A O.S. Supp. 2025,
3 Section 2-148), is amended to read as follows:

4 Section 2-148. A. Any license issued pursuant to the
5 provisions of the Oklahoma Alcoholic Beverage Control Act by the
6 ABLE Commission, after due notice and hearing, may be revoked or
7 suspended if the ABLE Commission finds or has grounds to believe
8 that the licensee has:

9 1. Procured a license through fraud, or misrepresentation, or
10 concealment of a material fact;

11 2. Made any false representation or statement to the ABLE
12 Commission or the Oklahoma Tax Commission in order to prevent or
13 induce action by the ABLE Commission or the Tax Commission;

14 3. Maintained an unsanitary establishment or has supplied
15 impure or otherwise deleterious beverages or food;

16 4. Stored, possessed, mixed or served on the premises of a
17 bottle club any alcoholic beverage upon which the tax levied by
18 Section 5-101 of this title has not been paid as provided for in the
19 Oklahoma Alcoholic Beverage Control Act, in a county of this state
20 where the sale of alcoholic beverages by the individual drink for
21 on-premises consumption has not been authorized;

22 5. Misrepresented to a customer or the public any alcoholic
23 beverage sold by the licensee;

24

1 6. Had any permit or license issued by the Tax Commission and
2 required by the Oklahoma Alcoholic Beverage Control Act, suspended
3 or revoked by the Tax Commission; or

4 7. Is not in compliance with the tax laws of this state as
5 required in Article XXVIII-A of the Oklahoma Constitution.

6 B. The ABLE Commission may revoke or suspend the license of any
7 mixed beverage, caterer or bottle club licensee if the ABLE
8 Commission finds or has grounds to believe that such licensee:

9 1. Has acted as an agent of a manufacturer, brewer or
10 wholesaler of alcoholic beverages;

11 2. Is a manufacturer, brewer or wholesaler of alcoholic
12 beverages;

13 3. Has borrowed money or property or accepted gratuities or
14 rebates from a manufacturer, brewer or wholesaler of alcoholic
15 beverages;

16 4. Has obtained the use of equipment from any manufacturer,
17 brewer or wholesaler of alcoholic beverages or any agent thereof;

18 5. Has violated any of the provisions of the Oklahoma Alcoholic
19 Beverage Control Act for which mandatory revocation or suspension is
20 not required;

21 6. Has been convicted within the past twenty-five (25) years,
22 of a violation of any state or federal law relating to alcoholic
23 beverage for which mandatory revocation or suspension is not
24 required; or

1 7. Is not in compliance with the tax laws of this state as
2 required in Article XXVIII-A of the Oklahoma Constitution.

3 C. The ABLE Commission may revoke or suspend the license of any
4 retail, mixed beverage, caterer or bottle club licensee if the ABLE
5 Commission finds or has grounds to believe that such licensee has
6 borrowed money or property or accepted gratuities, discounts,
7 rebates, free goods, allowances or other inducements from a wine and
8 spirits wholesaler or beer distributor.

9 D. The ABLE Commission shall have the authority to revoke the
10 license of any licensee if the ABLE Commission finds:

11 1. That the licensee knowingly sold alcoholic beverages or
12 allowed such beverages to be sold, delivered or furnished to any
13 person under the age of twenty-one (21) years or to any person
14 visibly intoxicated or adjudged insane or mentally deficient;

15 2. That the licensee, any general or limited partner of the
16 licensee, or in the case of a corporation, an officer or director of
17 the corporation, has been convicted of a felony or is not in
18 compliance with the tax laws of this state as required in Article
19 XXVIII-A of the Oklahoma Constitution. Provided, an employee
20 license may be issued and held by a person who has been convicted of
21 a felony if such conviction was not for a violent offense specified
22 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes
23 or an offense under the provisions of this title; and

1 3. That, in the case of a wine and spirits wholesaler, beer
2 distributor, retail spirits, retail wine or retail beer licensee,
3 the holder of the license or any member of a general or limited
4 partnership which is the holder of such a license, has been
5 convicted of a prohibitory law relating to the sale, manufacture or
6 transportation of alcoholic beverages which constitutes a felony.

7 E. If the ABLE Commission shall find by a preponderance of the
8 evidence as in civil cases that a licensee has knowingly sold any
9 alcoholic beverage to any person under the age of twenty-one (21)
10 years, after a public hearing, the ABLE Commission shall have the
11 discretion as to the revocation of a license or administration of
12 fines.

13 F. The ABLE Commission shall have the authority to promulgate
14 rules to establish a penalty schedule for violations of any
15 provision of the Oklahoma Alcoholic Beverage Control Act or any rule
16 of the ABLE Commission. The schedule shall provide for suspension
17 or revocation of any license for major and minor violations as
18 determined by the ABLE Commission. Penalties shall be increasingly
19 severe with each violation by a licensee.

20 Provided, that for a fourth major violation by a licensee within
21 a twenty-four-month period, the penalty shall be mandatory
22 revocation of license. The twenty-four-month period shall be
23 calculated from the date of the most recent violation as set forth
24 in an order signed by the Director or the designee of the Director.

1 G. The ABLE Commission or the Tax Commission may impose a
2 monetary penalty in lieu of or in addition to suspension of a
3 license. The amount of the fine for a major violation shall be
4 computed by multiplying the proposed number of days of the
5 suspension period by One Hundred Dollars (\$100.00). The amount of
6 the fine for a minor violation shall be computed by multiplying the
7 number of days of the proposed suspension period by Fifty Dollars
8 (\$50.00). Fines imposed on a micro-distiller licensee shall not
9 exceed Five Thousand Dollars (\$5,000.00) per each violation.

10 H. The failure of any licensee to pay a fine or serve a
11 suspension imposed by the ABLE Commission or the Tax Commission
12 shall result in the revocation of the license of the licensee.

13 I. If the ABLE Commission or the Tax Commission finds that
14 public health, safety or welfare require emergency action, and
15 incorporates a finding to that effect in its order, summary
16 suspension of a license may be ordered pending proceeding for
17 revocation or other action, pursuant to the provisions of Section
18 314 of Title 75 of the Oklahoma Statutes.

19 SECTION 6. This act shall become effective November 1, 2026.

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
21 March 5, 2026 - DO PASS AS AMENDED
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23
24