

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1218

By: Kirt

AS INTRODUCED

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

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

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

Section 3-101. A. No person shall manufacture, rectify, sell, possess, store, import into or export from this state, transport, or deliver any alcoholic beverage except as specifically provided in the Oklahoma Alcoholic Beverage Control Act. ~~Provided, that nothing 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

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

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

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

1 Act to any religious corporation or society of this state holding a
2 valid exemption from taxation issued pursuant to Section 501(a) of
3 the Internal Revenue Code, 1954, and listed as an exempt
4 organization in Section 501(c)(3) of the Internal Revenue Code,
5 1954, of the United States, as amended.

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

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

1 misdemeanor, if the sale or delivery is made to a person twenty-one
2 (21) years of age or older.

3 2. The fine for a violation of this subsection shall ~~be~~ not
4 ~~more than~~ exceed Five Thousand Dollars (\$5,000.00).

5 3. In addition, if the person holds a license issued by the
6 ~~ABLE~~ Alcoholic Beverage Laws Enforcement (ABLE) Commission, the
7 license shall be revoked pursuant to Section ~~60~~ 2-148 of this ~~act~~
8 title.

9 D. All brewers, importers, brokers, and others who sell beer or
10 cider to licensed beer distributors in ~~Oklahoma~~ this state or
11 manufacturers, importers, brokers, and others who sell cider to
12 licensed beer distributors in ~~Oklahoma~~ this state, regardless of
13 whether such sales are consummated within or without the state, ~~must~~
14 shall obtain a license, ~~as the case may be,~~ in order to sell beer or
15 cider intended for consumption within ~~the State of Oklahoma~~ this
16 state.

17 SECTION 2. AMENDATORY 37A O.S. 2021, Section 5-103, is
18 amended to read as follows:

19 Section 5-103. A. The excise tax levied by Section ~~104~~ 5-101
20 of this ~~act~~ title shall not apply to:

21 1. Alcohol used exclusively for industrial purposes by the
22 holder of an industrial license;

23 2. Alcohol lawfully withdrawn and used free of tax under a tax-
24 free permit issued by the United States government;

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~~7~~, 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
5 60-2-2290 CAD 12/8/2025 1:36:20 PM
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25