

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1304

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverage licenses; amending 37A O.S. 2021, Section 2-109, as amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025, Section 2-109), which relates to retail spirits, wine, and beer licenses; increasing certain tasting limits; limiting education training tasting requirements for employees; updating statutory reference; updating statutory language; 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. 2025, 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;

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, spirits, wine, and beer may be sold to charitable
4 organizations that are holders of charitable alcoholic beverage
5 auction or charitable alcoholic beverage event licenses; and

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

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

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

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

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

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

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

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

23 1. To purchase beer from a beer distributor;

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

3 3. To sell same on the licensed premises in such containers to
4 consumers for off-premises consumption only and not for resale;
5 provided, beer may be sold to charitable organizations that are
6 holders of charitable alcoholic beverage auction or charitable
7 alcoholic beverage event licenses; and

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

10 Provided, no holder of a retail beer license may sell a malt
11 beverage with alcohol beverage volume in excess of fifteen percent
12 (15%).

13 D. All tastings conducted under this section shall:

14 1. Be conducted under the direct supervision of the licensee
15 authorized to host the tasting;

16 2. Be poured by any ~~ABLE~~ Alcoholic Beverage Laws Enforcement
17 (ABLE) Commission licensee lawfully permitted to serve alcoholic
18 beverages, provided no wine or spirits wholesaler, beer distributor,
19 or employee of a wine or spirits wholesaler or beer distributor
20 shall be allowed to pour samples for tastings;

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

1 shall pay the applicable taxes on the alcoholic beverages purchased;
2 provided, the licensee may only provide samples of alcoholic
3 beverages that its license is authorized to sell;

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

6 5. Be limited to no more than ~~one (1)~~ one and one half (1.5)
7 fluid ~~ounce~~ ounces of spirits, ~~two (2)~~ six (6) fluid ounces of wine,
8 or ~~three (3)~~ nine (9) fluid ounces of beer per consumer per day; and

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

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

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

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

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

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

1 F. 1. Retail spirits, retail wine, and retail beer licensees
2 shall be authorized to host educational alcoholic beverage training,
3 which includes tastings, for employees who are licensed to sell such
4 beverages on the licensed premises in such containers to consumers
5 for off-premises consumption only. Alcoholic beverages for training
6 purposes may be provided by wine and spirits wholesaler licensees
7 and beer distributor licensees.

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

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

1 the wine and spirits wholesaler for use at the next tasting
2 authorized ~~in~~ by this paragraph. Wine and spirits wholesaler
3 employees may transport any resealed samples of wine and spirits in
4 their vehicles. Beer, wine, and spirits samples shall not be
5 considered withdrawn from the inventory of the beer distributor or
6 wine and spirits wholesaler for purposes of the collection of the
7 excise tax on beer, wine, and spirits. Tastings offered to
8 licensees by wine and spirits wholesalers and beer distributors
9 shall not be deemed discrimination or an inducement under Section 3-
10 123 of this title.

11 SECTION 2. This act shall become effective November 1, 2026.

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