

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1442

By: Dossett

AS INTRODUCED

An Act relating to alcoholic beverage license fees; amending 37A O.S. 2021, Sections 1-103, as last amended by Section 2, Chapter 190, O.S.L. 2025, 2-101, as last amended by Section 3, Chapter 190, O.S.L. 2025, 2-103, as amended by Section 5, Chapter 338, O.S.L. 2023, 2-142, as amended by Section 1, Chapter 3, O.S.L. 2025, and 2-148, as amended by Section 1, Chapter 128, O.S.L. 2023 (37A O.S. Supp. 2025, Sections 1-103, 2-101, 2-103, 2-142, and 2-148), which relate to the Oklahoma Alcoholic Beverage Control Act; modifying definitions; updating statutory language; decreasing certain license fee; establishing certain license; establishing certain license fees; providing certain production limits; establishing exception to certain licensing requirements; limiting certain fine amounts for certain license; and providing an effective date.

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

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

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

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

3 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
4 alcohol, ethanol or spirits of wine, from whatever source or by
5 whatever process produced. It does not include wood alcohol or
6 alcohol which has been denatured or produced as denatured in
7 accordance with Acts of Congress and regulations promulgated
8 thereunder;

9 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
10 as those terms are defined herein and also includes every liquid or
11 solid, patented or not, containing alcohol, spirits, wine or beer
12 and capable of being consumed as a beverage by human beings;

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

17 5. "Beer" means any beverage containing more than one-half of
18 one percent (0.50%) of alcohol by volume and obtained by the
19 alcoholic fermentation of an infusion or decoction of barley, or
20 other grain, sugar, malt or similar products. For the purposes of
21 taxation, distribution, sales, and regulation, seltzer shall mean
22 the same as beer as provided in this section. Beer may or may not
23 contain hops or other vegetable products. Beer includes, among
24 other things, beer, ale, stout, lager beer, porter, seltzer, and
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1 other malt or brewed liquors, but does not include sake, known as
2 Japanese rice wine;

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

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

11 8. "Bottle club" means any establishment in a county which has
12 not authorized the retail sale of alcoholic beverages by the
13 individual drink, which is required to be licensed to keep, mix and
14 serve alcoholic beverages belonging to club members on club
15 premises;

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

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

23 11. "Brand extension" means:
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1 a. after October 1, 2018, any brand of beer or cider
2 introduced by a manufacturer in this state which
3 either:

4 (1) incorporates all or a substantial part of the
5 unique features of a preexisting brand of the
6 same licensed brewer, or

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

9 b. any brand of beer that a brewer, the majority of whose
10 total volume of all brands of beer distributed in this
11 state by such brewer on January 1, 2016, was
12 distributed as low-point beer, desires to sell,
13 introduces, begins selling or theretofore has sold and
14 desires to continue selling a strong beer in this
15 state which either:

16 (1) incorporates or incorporated all or a substantial
17 part of the unique features of a preexisting low-
18 point beer brand of the same licensed brewer, or

19 (2) relies or relied to a significant extent on the
20 goodwill associated with a preexisting low-point
21 beer brand;

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

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

7 14. "Cider" means any alcoholic beverage obtained by the
8 alcoholic fermentation of fruit juice, including but not limited to
9 flavored, sparkling or carbonated cider. For the purposes of the
10 manufacture of this product, cider may be manufactured by either
11 manufacturers or brewers. For the purposes of the distribution of
12 this product, cider may be distributed by either wine and spirits
13 wholesalers or beer distributors;

14 15. "Club suite" means a designated area within the premises of
15 a mixed beverage licensee designed to provide an exclusive space
16 which is limited to a patron or patrons specifically granted access
17 by a mixed beverage licensee and is not accessible to other patrons
18 of the mixed beverage licensee or the public. A club suite must
19 have a clearly designated point of access for a patron or patrons
20 specifically granted access by the mixed beverage licensee to ensure
21 that persons present in the suite are limited to patrons
22 specifically granted access by the mixed beverage licensee and
23 employees providing services to the club suite;

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

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

7 18. "Convicted" and "conviction" mean and include a finding of
8 guilt resulting from a plea of guilty or nolo contendere, the
9 decision of a court or magistrate or the verdict of a jury,
10 irrespective of the pronouncement of judgment or the suspension
11 thereof;

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

15 20. "Designated wholesaler" means a wine and spirits wholesaler
16 who has been selected by a manufacturer as a wholesaler appointed to
17 distribute designated products;

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

19 22. "Distiller" means any person who produces two thousand four
20 hundred (2,400) proof gallons or more annually of spirits from any
21 source or substance, or any person who brews or makes mash, wort or
22 wash, fit for distillation or for the production of spirits ~~except~~
23 except a person making or using such material in the authorized
24 production of wine or beer, or the production of vinegar by

1 ~~fermentation)~~, fermentation, or any person who by any process
2 separates alcoholic spirits from any fermented substance, or any
3 person who, making or keeping mash, wort or wash, has also in his or
4 her possession or use a still;

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

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

10 25. "Event venue" means any nongovernmental location, property,
11 space, premises, grounds, building or buildings, or other site that
12 offers to the general public for rent, lease, reservation, or other
13 contractual use, for the hosting of a function, occasion, or event,
14 special, private, or public, of a temporary nature. The location,
15 property, space, premises, grounds, or building or buildings defined
16 in this paragraph shall not include those owned, leased, or occupied
17 by organizations exempt from taxation pursuant to the provisions of
18 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

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

- 22 a. as a low-point beer pursuant to the Low-Point Beer
23 Distribution Act in effect immediately prior to
24 October 1, 2018, and
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1 b. as strong beer pursuant to the Oklahoma Alcoholic
2 Beverage Control Act in effect immediately prior to
3 October 1, 2018,

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

7 27. "Fair market value" means the value in the subject
8 territory covered by the written agreement with the distributor or
9 wholesaler that would be determined in an arm's length transaction
10 entered into without duress or threat of termination of the
11 distributor's or wholesaler's rights and shall include all elements
12 of value, including goodwill and going-concern value;

13 28. "Good cause" means:

- 14 a. failure by the distributor to comply with the material
15 and reasonable provisions of a written agreement or
16 understanding with the brewer, or
17 b. failure by the distributor to comply with the duty of
18 good faith;

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

23 30. "Grocery store" means a person primarily engaged in
24 retailing a general line of food, such as canned or frozen foods,

1 fresh fruits and vegetables, and fresh and prepared meats, fish and
2 poultry;

3 31. "Hotel" or "motel" means an establishment which is licensed
4 to sell alcoholic beverages by the individual drink and which
5 contains guest room accommodations with respect to which the
6 predominant relationship existing between the occupants thereof and
7 the owner or operator of the establishment is that of innkeeper and
8 guest. For purposes of this section, the existence of other legal
9 relationships as between some occupants and the owner or operator
10 thereof shall be immaterial;

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

14 33. "Licensee" means any person holding a license under the
15 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
16 employee of such licensee while in the performance of any act or
17 duty in connection with the licensed business or on the licensed
18 premises;

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

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

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

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

12 38. "Micro-distiller" means any person who produces less than
13 two thousand four hundred (2,400) proof gallons annually of spirits
14 from any source or substance, or any person who brews or makes mash,
15 wort or wash, fit for distillation or for the production of spirits
16 except a person making or using such material in the authorized
17 production of wine or beer, or the production of vinegar by
18 fermentation, or any person who by any process separates alcoholic
19 spirits from any fermented substance, or any person who, making or
20 keeping mash, wort or wash, has also in his or her possession or use
21 a still;

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

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

4 ~~39.~~ 40. "Mixed beverage cooler" means any beverage, by whatever
5 name designated, consisting of an alcoholic beverage and fruit or
6 vegetable juice, fruit or vegetable flavorings, dairy products or
7 carbonated water containing more than one-half of one percent (1/2
8 of 1%) of alcohol measured by volume but not more than seven percent
9 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
10 packaged in a container not larger than three hundred seventy-five
11 (375) milliliters. Such term shall include but not be limited to
12 the beverage popularly known as a "wine cooler";

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

3 ~~41.~~ 42. "Motion picture theater" means an establishment which
4 is licensed by Section 2-110 of this title to sell alcoholic
5 beverages by the individual drink and where motion pictures are
6 exhibited, and to which the general public is admitted;

7 ~~42.~~ 43. "Nondesignated products" means the brands of wine or
8 spirits offered for sale by a manufacturer that have not been
9 assigned to a designated wholesaler;

10 ~~43.~~ 44. "Nonresident seller" means any person licensed pursuant
11 to Section 2-135 of this title;

12 ~~44.~~ 45. "Retail salesperson" means a salesperson soliciting
13 orders from and calling upon retail alcoholic beverage stores with
14 regard to his or her product;

15 ~~45.~~ 46. "Occupation" as used in connection with "occupation
16 tax" means the sites occupied as the places of business of the
17 manufacturers, brewers, wholesalers, beer distributors, retailers,
18 mixed beverage licensees, on-premises beer and wine licensees,
19 bottle clubs, caterers, public event and special event licensees;

20 ~~46.~~ 47. "Original package" means any container of alcoholic
21 beverage filled and stamped or sealed by the manufacturer or brewer;

22 ~~47.~~ 48. "Package store" means any sole proprietor or
23 partnership that qualifies to sell wine, beer and/or spirits for
24 off-premises consumption and that is not a grocery store,

1 convenience store or drug store, or other retail outlet that is not
2 permitted to sell wine or beer for off-premises consumption;

3 ~~48.~~ 49. "Patron" means any person, customer or visitor who is
4 not employed by a licensee or who is not a licensee;

5 ~~49.~~ 50. "Person" means an individual, any type of partnership,
6 corporation, association, limited liability company or any
7 individual involved in the legal structure of any such business
8 entity;

9 ~~50.~~ 51. "Premises" means the grounds and all buildings and
10 appurtenances pertaining to the grounds including any adjacent
11 premises if under the direct or indirect control of the licensee and
12 the rooms and equipment under the control of the licensee and used
13 in connection with or in furtherance of the business covered by a
14 license. Provided, that the ABLE Commission shall have the
15 authority to designate areas to be excluded from the licensed
16 premises solely for the purpose of:

- 17 a. allowing the presence and consumption of alcoholic
18 beverages by private parties which are closed to the
19 general public, or
20 b. allowing the services of a caterer serving alcoholic
21 beverages provided by a private party.

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

1 ~~51.~~ 52. "Private event" means a social gathering or event
2 attended by invited guests who share a common cause, membership,
3 business or task and have a prior established relationship. For
4 purposes of this definition, advertisement for general public
5 attendance or sales of tickets to the general public shall not
6 constitute a private event;

7 ~~52.~~ 53. "Public event" means any event that can be attended by
8 the general public;

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

20 ~~54.~~ 55. "Regulation" or "rule" means a formal rule of general
21 application promulgated by the ABLE Commission as herein required;

22 ~~55.~~ 56. "Restaurant" means an establishment that is licensed to
23 sell alcoholic beverages by the individual drink for on-premises
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1 consumption and where food is prepared and sold for immediate
2 consumption on the premises;

3 ~~56.~~ 57. "Retail container for spirits and wines" means an
4 original package of any capacity approved by the United States
5 Bureau of Alcohol, Tobacco, Firearms and Explosives;

6 ~~57.~~ 58. "Retailer" means a package store, grocery store,
7 convenience store or drug store licensed to sell alcoholic beverages
8 for off-premises consumption pursuant to a retail spirits license,
9 retail wine license or retail beer license;

10 ~~58.~~ 59. "Sale" means any transfer, exchange or barter in any
11 manner or by any means whatsoever, and includes and means all sales
12 made by any person, whether as principal, proprietor or as an agent,
13 servant or employee. The term sale is also declared to be and
14 include the use or consumption in this state of any alcoholic
15 beverage obtained within or imported from without this state, upon
16 which the excise tax levied by the Oklahoma Alcoholic Beverage
17 Control Act has not been paid or exempted;

18 ~~59.~~ 60. "Seltzer" means any beverage containing more than one-
19 half of one percent (0.50%) of alcohol by volume and obtained by the
20 alcoholic fermentation of malt, rice, grain of any kind, bran,
21 glucose, sugar, or molasses and combined with carbonated water and
22 other flavoring and labeled as "beer" by the Internal Revenue Code;
23 provided, that seltzer shall not include carbonated beverages mixed
24 with wine or spirits;

1 ~~60.~~ 61. "Short-order food" means food other than full meals
2 including but not limited to sandwiches, soups and salads.
3 Provided, that popcorn, chips and other similar snack food shall not
4 be considered short-order food;

5 ~~61.~~ 62. "Small brewer" means a brewer who manufactures less
6 than sixty-five thousand (65,000) barrels of beer annually pursuant
7 to a validly issued small brewer license hereunder;

8 ~~62.~~ 63. "Small farm wine" means a wine that is produced by a
9 small farm winery with seventy-five percent (75%) or more Oklahoma-
10 grown grapes, berries, other fruits, honey or vegetables;

11 ~~63.~~ 64. "Small farm winery" means a wine-making establishment
12 that does not annually produce for sale more than fifteen thousand
13 (15,000) gallons of wine as reported on the United States Department
14 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
15 Wine Premises Operations (TTB Form 5120.17);

16 ~~64.~~ 65. "Sparkling wine" means champagne or any artificially
17 carbonated wine;

18 ~~65.~~ 66. "Special event" means an entertainment, recreation or
19 marketing event that occurs at a single location on an irregular
20 basis and at which alcoholic beverages are sold;

21 ~~66.~~ 67. "Spirits" means any beverage other than wine or beer,
22 which contains more than one-half of one percent (1/2 of 1%) alcohol
23 measured by volume, and obtained by distillation, whether or not
24 mixed with other substances in solution and includes those products

1 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
2 fortified wines and similar compounds, but shall not include any
3 alcohol liquid completely denatured in accordance with the Acts of
4 Congress and regulations pursuant thereto;

5 ~~67.~~ 68. "Strong beer" means beer which, prior to October 1,
6 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
7 Control Act, Section 1-101 et seq. of this title;

8 ~~68.~~ 69. "Successor brewer" means a primary source of supply, a
9 brewer, a cider manufacturer or an importer that acquires rights to
10 a beer or cider brand from a predecessor brewer;

11 ~~69.~~ 70. "Tax Commission" means the Oklahoma Tax Commission;

12 ~~70.~~ 71. "Territory" means a geographic region with a specified
13 boundary;

14 ~~71.~~ 72. "Wine and spirits wholesaler" or "wine and spirits
15 distributor" means and includes any sole proprietorship or
16 partnership licensed to distribute wine and spirits in this state.
17 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
18 Control Act, shall be construed to refer to a wine and spirits
19 wholesaler;

20 ~~72.~~ 73. "Wine" means and includes any beverage containing more
21 than one-half of one percent (1/2 of 1%) alcohol by volume and not
22 more than twenty-four percent (24%) alcohol by volume at sixty (60)
23 degrees Fahrenheit obtained by the fermentation of the natural
24 contents of fruits, vegetables, honey, milk or other products

1 containing sugar, whether or not other ingredients are added, and
2 includes vermouth and sake, known as Japanese rice wine;

3 ~~73.~~ 74. "Winemaker" means and includes any person or
4 establishment who manufactures for human consumption any wine upon
5 which a license fee and a tax are imposed by any law of this state;

6 ~~74.~~ 75. "Satellite tasting room" means a licensed establishment
7 operated off the licensed premises of the holder of a small farm
8 winery or winemaker license, which serves wine for on-premises or
9 off-premises consumption; and

10 ~~75.~~ 76. "Straw testing" means the consumption of a de minimis
11 amount of an alcoholic beverage by sanitary means by the holder of
12 an employee license, twenty-one (21) years of age or older, to
13 determine the quality or desired flavor profile of such alcoholic
14 beverage that has been serviced, or is to be served, to a patron.

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

18 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-101, as
19 last amended by Section 3, Chapter 190, O.S.L. 2025 (37A O.S. Supp.
20 2025, Section 2-101), is amended to read as follows:

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

1. Brewer License..... \$1,250.00
2. Small Brewer License..... \$125.00
3. Distiller License..... ~~\$3,125.00~~ \$1,000.00
4. Micro-distiller license \$325.00
5. Winemaker License..... \$625.00
- ~~5.~~ 6. Small Farm Winery License..... \$75.00
- ~~6.~~ 7. Rectifier License..... \$3,125.00
- ~~7.~~ 8. Wine and Spirits Wholesaler License..... \$3,000.00
- ~~8.~~ 9. Beer Distributor License..... \$750.00
- ~~9.~~ 10. The following retail spirits license fees
shall be determined by the latest Federal
Decennial Census:
 - a. Retail Spirits License for cities and
towns from 200 to 2,500 population..... \$305.00
 - b. Retail Spirits License for cities and
towns from 2,501 to 5,000 population..... \$605.00
 - c. Retail Spirits License for cities and
towns over 5,000 population..... \$905.00
- ~~10.~~ 11. Retail Wine License..... \$1,000.00
- ~~11.~~ 12. Retail Beer License..... \$500.00
- ~~12.~~ 13. Mixed Beverage License..... \$1,005.00
(initial license)
\$905.00
(renewal)

13. <u>14.</u>	Mixed Beverage/Caterer Combination	
	License.....	\$1,250.00
14. <u>15.</u>	On-Premises Beer and Wine License.....	\$500.00
		(initial license)
		\$450.00
		(renewal)
15. <u>16.</u>	Bottle Club License.....	\$1,000.00
		(initial license)
		\$900.00
		(renewal)
16. <u>17.</u>	Caterer License.....	\$1,005.00
		(initial license)
		\$905.00
		(renewal)
17. <u>18.</u>	Annual Special Event License.....	\$55.00
18. <u>19.</u>	Quarterly Special Event License.....	\$55.00
19. <u>20.</u>	Hotel Beverage License.....	\$1,005.00
		(initial license)
		\$905.00
		(renewal)
20. <u>21.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
	License.....	\$1,005.00
		(initial license)
		\$905.00

1			(renewal)
2	21. <u>22.</u>	Agent License.....	\$55.00
3	22. <u>23.</u>	Employee License.....	\$30.00
4	23. <u>24.</u>	Industrial License.....	\$23.00
5	24. <u>25.</u>	Carrier License.....	\$23.00
6	25. <u>26.</u>	Private Carrier License.....	\$23.00
7	26. <u>27.</u>	Bonded Warehouse License.....	\$190.00
8	27. <u>28.</u>	Storage License.....	\$23.00
9	28. <u>29.</u>	Nonresident Seller License	\$750.00
10	29. <u>30.</u>	Manufacturer License:	
11	a.	50 cases or less sold in Oklahoma in	
12		last calendar year.....	\$50.00
13	b.	51 to 500 cases sold in Oklahoma in	
14		last calendar year.....	\$75.00
15	c.	501 cases or more sold in Oklahoma in	
16		last calendar year.....	\$150.00
17	30. <u>31.</u>	Manufacturer's Agent License.....	\$55.00
18	31. <u>32.</u>	Sacramental Wine Supplier License.....	\$100.00
19	32. <u>33.</u>	Charitable Auction License.....	\$1.00
20	33. <u>34.</u>	Charitable Alcoholic Beverage License.....	\$55.00
21	34. <u>35.</u>	Winemaker Self-Distribution License:	
22	a.	produced ten thousand (10,000) gallons	
23		or less in last calendar year.....	\$350.00
24			

- 1 b. produced more than ten thousand
2 (10,000) gallons but no more than
3 fifteen thousand (15,000) gallons in
4 last calendar year..... \$750.00
5 ~~35.~~ 36. Annual Public Event License..... \$1,005.00
6 ~~36.~~ 37. One-Time Public Event License..... \$255.00
7 ~~37.~~ 38. Small Brewer Self-Distribution License:
8 a. produced fifteen thousand (15,000)
9 barrels or less in last calendar year..... \$350.00
10 b. produced more than fifteen thousand
11 (15,000) barrels in last calendar year..... \$750.00
12 ~~38.~~ 39. Brewpub License..... \$1,005.00
13 ~~39.~~ 40. Brewpub Self-Distribution License..... \$750.00
14 ~~40.~~ 41. Complimentary Beverage License..... \$75.00
15 ~~41.~~ 42. Satellite Tasting Room License..... \$100.00
16 ~~42.~~ 43. Event Bartender License..... \$50.00

17 B. 1. There shall be added to the initial or renewal fees for
18 a mixed beverage license an administrative fee, which shall not be
19 deemed to be a license fee, in the amount of Five Hundred Dollars
20 (\$500.00), which shall be paid at the same time and in the same
21 manner as the license fees prescribed by paragraph 12 of subsection
22 A of this section; provided, this fee shall not be assessed against
23 service organizations or fraternal beneficiary societies which are
24

1 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
2 Code.

3 2. There shall be added to the fee for a mixed beverage/caterer
4 combination license an administrative fee, which shall not be deemed
5 to be a license fee, in the amount of Two Hundred Fifty Dollars
6 (\$250.00), which shall be paid at the same time and in the same
7 manner as the license fee prescribed by paragraph 13 of subsection A
8 of this section.

9 C. Notwithstanding the provisions of subsection A of this
10 section:

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

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

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

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

1 F. The holder of a license, issued by the ABLE Commission, for
2 a bottle club located in a county of this state where the sale of
3 alcoholic beverages by the individual drink for on-premises
4 consumption has been authorized, may exchange the bottle club
5 license for a mixed beverage license or an on-premises beer and wine
6 license and operate the licensed premises as a mixed beverage
7 establishment or an on-premises beer and wine establishment subject
8 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
9 There shall be no additional fee for such exchange and the mixed
10 beverage license or on-premises beer and wine license issued shall
11 expire one (1) year from the date of issuance of the original bottle
12 club license.

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

- 15 1. Nonresident Seller License..... \$2,500.00
16 2. Manufacturer License:
17 a. 50 cases or less sold in Oklahoma in
18 last calendar year..... \$100.00
19 b. 51 to 500 cases sold in Oklahoma in
20 last calendar year..... \$225.00
21 c. 501 cases or more sold in Oklahoma in
22 last calendar year..... \$450.00
23 3. Wine and Spirits Wholesaler License..... \$2,500.00
24 4. Beer Distributor..... \$1,000.00
25

5. Retail Spirits License for cities and towns
over 5,000 population..... \$250.00
6. Retail Spirits License for cities and towns
from 2,501 to 5,000 population..... \$200.00
7. Retail Spirits License for cities and towns
from 200 to 2,500 population..... \$150.00
8. Retail Wine License..... \$250.00
9. Retail Beer License..... \$250.00
10. Mixed Beverage License..... \$25.00
11. Mixed Beverage/Caterer Combination License..... \$25.00
12. Caterer License..... \$25.00
13. On-Premises Beer and Wine License..... \$25.00
14. Annual Public Event License..... \$25.00
15. Small Farm Winery License..... \$25.00
16. Small Brewer License..... \$35.00
17. Complimentary Beverage License..... \$25.00

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

H. Any license issued by the ABLE Commission under this title may be relied upon by other licensees as a valid license, and no other licensee shall have any obligation to independently determine

1 the validity of such license or be held liable solely as a
2 consequence of another licensee's failure to maintain a valid
3 license.

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

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

9 1. To manufacture, bottle, package and store spirits on
10 licensed premises;

11 2. To sell spirits in this state to licensed wholesalers and
12 manufacturers only;

13 3. To sell spirits out of this state to qualified persons; to
14 purchase from licensed distillers, micro-distillers, and rectifiers
15 in this state, and import spirits from without this state for
16 manufacturing purposes in accordance with federal laws and
17 regulations;

18 4. To serve free samples of spirits produced only by the
19 licensee to visitors twenty-one (21) years of age and older. For
20 purposes of this section, no visitor may sample more than a total of
21 three (3) fluid ounces of spirits per day. The distiller shall
22 restrict the distribution and consumption of spirits samples to an
23 area within the licensed premises designated by the distiller. A
24 current floor plan that includes the designated sampling area shall

1 be on file with the ABLE Commission. No visitor under twenty-one
2 (21) years of age shall be permitted to enter the designated
3 sampling area when samples are being distributed and consumed.
4 Samples of spirits served by a distiller under this section shall
5 not be considered a sale of spirits within the meaning of Article
6 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
7 title; provided, such samples of spirits shall be considered removed
8 or withdrawn from the distillery for use or consumption within the
9 meaning of Section 5-110 of this title for excise tax determination
10 and reporting requirements;

11 5. To sell spirits produced by the licensee for either on-
12 premises or off-premises consumption to consumers on the licensed
13 distillery premises or in an area controlled by the licensee located
14 contiguous to the licensed distillery premises and at one (1)
15 location controlled by the licensee located in the same county as
16 the licensed distillery premises but not contiguous to the licensed
17 distillery premises. Spirits offered for sale by the Oklahoma
18 licensed distiller will have been sold to and shipped to an Oklahoma
19 licensed wine and spirits wholesaler and then made available for
20 purchase by the Oklahoma licensed distiller for sale; and

21 6. To sell spirits at public events such as trade shows or
22 festivals. Products offered for sale by the Oklahoma licensed
23 distiller will have been sold to and shipped to an Oklahoma licensed
24

1 wine and spirits wholesaler and then made available for purchase by
2 the Oklahoma licensed distiller.

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

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

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

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

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

18 Section 2-142. A. No license provided for in the Oklahoma
19 Alcoholic Beverage Control Act shall be issued except pursuant to an
20 application filed with the ABLE Commission. The ABLE Commission
21 may, however, provide for a form of simplified application for
22 renewal of a license. Payment of the prescribed fee shall accompany
23 each application for a license.
24

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

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

7 2. A certificate of zoning issued by the municipality in which
8 the applicant proposes to locate the applicant's principal place of
9 business under the license, or by the county if the principal place
10 of business is located outside the incorporated limits of a
11 municipality, certifying that the applicant's proposed location and
12 use thereof comply with all municipal zoning ordinances or county
13 zoning regulations if applicable;

14 3. A certificate issued by the municipality in which the
15 applicant proposes to locate the applicant's principal place of
16 business under the license, or by the county if the principal place
17 of business is located outside the incorporated limits of a
18 municipality, certifying that the applicant's existing or proposed
19 operations under the license comply with all municipal or county
20 fire codes, safety codes, or health codes, if applicable;

21 4. Authorization, on forms furnished by the ABLE Commission,
22 for complete investigation of the applicant's current financial
23 status as it relates to the application for a license, including but
24

1 not limited to access to bank accounts, loan agreements and
2 financial statements;

3 5. A deed, management agreement, purchasing agreement or lease;
4 and

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

7 C. The certificates required by paragraphs 2 and 3 of
8 subsection B of this section shall be signed by the mayor of the
9 municipality or the chair of the board of county commissioners
10 issuing same, unless the municipality, by ordinance, or the county
11 designates some other officer or entity to issue the certificates.
12 Applications for such certificates shall be in writing and shall
13 contain information in such detail as the municipality or county may
14 reasonably require describing the location and nature of operations
15 to be conducted under the license. Municipalities and counties
16 shall be required to act on all applications for such certificates
17 within twenty (20) days of receipt of the written application.

18 D. Municipalities and counties may grant conditional
19 certificates for premises proposed for licensed operations for which
20 construction, modification or alteration is not completed.
21 Conditional certificates shall indicate that the proposed premises
22 will comply with the municipal or county zoning, fire, safety and
23 health codes. The granting of conditional certificates shall not
24 relieve the applicant of the duty of obtaining the certificates

1 required by paragraphs 2 and 3 of subsection B of this section after
2 completion of the construction, modification, or alteration.

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

6 Thereafter if a licensee fails to maintain compliance with
7 municipal or county zoning ordinances and codes, the mayor or chair
8 of the board of county commissioners or their designee, shall
9 forthwith notify the ABLE Commission in writing setting forth
10 details of the noncompliance.

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

22 G. Upon issuance of any license, the ABLE Commission shall
23 furnish the Oklahoma Tax Commission with a list of such licenses.
24

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

5 I. Any licensee, except an employee licensee, who fails to
6 renew the license prior to the expiration date of the license, shall
7 be subject to a late renewal penalty as provided by rules of the
8 ABLE Commission. Further, any licensee, except an employee
9 licensee, who fails to renew the license within sixty (60) days of
10 the expiration of the license shall be required to submit a new
11 license application. An employee licensee who fails to renew prior
12 to the expiration of the license shall be required to submit a new
13 license application; provided, however, that under no circumstances
14 shall any licensee, including an employee licensee, whose license to
15 serve or sell alcoholic beverages has expired, continue to serve or
16 sell alcoholic beverages.

17 J. The requirements in this section shall be required for a
18 public event license applicant, except for those certificates
19 required by paragraphs 2 and 3 of subsection B of this section as
20 the events are temporary in nature and the locations are not
21 permanently licensed.

22 K. Micro-distiller license applicants shall not be required to
23 provide proof of insurance pursuant to paragraph 6 of subsection B
24

1 of this section or a certificate of compliance from a municipality
2 or county provided that the micro-distiller licensee:

3 1. Is located outside of the corporate limits of any
4 municipality;

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

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

8 4. Is in a stand-alone building of less than five thousand
9 (5,000) square feet; and

10 5. Employs three or fewer individuals, not including owners or
11 independent contractors.

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

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

20 1. Procured a license through fraud, or misrepresentation, or
21 concealment of a material fact;

22 2. Made any false representation or statement to the ABLE
23 Commission or the Oklahoma Tax Commission in order to prevent or
24 induce action by the ABLE Commission or the Tax Commission;

1 3. Maintained an unsanitary establishment or has supplied
2 impure or otherwise deleterious beverages or food;

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

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

11 6. Had any permit or license issued by the Tax Commission and
12 required by the Oklahoma Alcoholic Beverage Control Act, suspended
13 or revoked by the Tax Commission; or

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

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

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

21 2. Is a manufacturer, brewer or wholesaler of alcoholic
22 beverages;

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

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

6 5. Has violated any of the provisions of the Oklahoma Alcoholic
7 Beverage Control Act for which mandatory revocation or suspension is
8 not required;

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

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

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

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

23 1. That the licensee knowingly sold alcoholic beverages or
24 allowed such beverages to be sold, delivered or furnished to any
25

1 person under the age of twenty-one (21) years or to any person
2 visibly intoxicated or adjudged insane or mentally deficient;

3 2. That the licensee, any general or limited partner of the
4 licensee, or in the case of a corporation, an officer or director of
5 the corporation, has been convicted of a felony or is not in
6 compliance with the tax laws of this state as required in Article
7 XXVIII-A of the Oklahoma Constitution. Provided, an employee
8 license may be issued and held by a person who has been convicted of
9 a felony if such conviction was not for a violent offense specified
10 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes
11 or an offense under the provisions of this title; and

12 3. That, in the case of a wine and spirits wholesaler, beer
13 distributor, retail spirits, retail wine or retail beer licensee,
14 the holder of the license or any member of a general or limited
15 partnership which is the holder of such a license, has been
16 convicted of a prohibitory law relating to the sale, manufacture or
17 transportation of alcoholic beverages which constitutes a felony.

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

1 F. The ABLE Commission shall have the authority to promulgate
2 rules to establish a penalty schedule for violations of any
3 provision of the Oklahoma Alcoholic Beverage Control Act or any rule
4 of the ABLE Commission. The schedule shall provide for suspension
5 or revocation of any license for major and minor violations as
6 determined by the ABLE Commission. Penalties shall be increasingly
7 severe with each violation by a licensee.

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

13 G. The ABLE Commission or the Tax Commission may impose a
14 monetary penalty in lieu of or in addition to suspension of a
15 license. The amount of the fine for a major violation shall be
16 computed by multiplying the proposed number of days of the
17 suspension period by One Hundred Dollars (\$100.00). The amount of
18 the fine for a minor violation shall be computed by multiplying the
19 number of days of the proposed suspension period by Fifty Dollars
20 (\$50.00). Fines imposed on a micro-distiller licensee shall not
21 exceed Five Thousand Dollars (\$5,000.00) per each violation.

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

1 I. If the ABLE Commission or the Tax Commission finds that
2 public health, safety or welfare require emergency action, and
3 incorporates a finding to that effect in its order, summary
4 suspension of a license may be ordered pending proceeding for
5 revocation or other action, pursuant to the provisions of Section
6 314 of Title 75 of the Oklahoma Statutes.

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

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