

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1946

By: Murdock

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Sections 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, and 2-107 (37A O.S. Supp. 2025, Sections 2-101 and 2-103), which relate to annual license fees, distiller license, wine and spirits wholesaler license, sale of alcoholic beverages to wholesalers, beer distributors or retailers, and brand labels; decreasing certain license fee; removing certain requirements for contiguous licensed distillery premises; allowing sale of certain sample spirits at certain events; considering certain areas as certain distillery premises; removing certain production limits for distilleries; removing certain requirements for certain nonalcoholic substances to be added to certain spirits after a certain time; excluding certain spirits from consideration as a cocktail; removing certain requirements for certain spirits to be received and unloaded at certain wholesaler; allowing sale of certain spirits at certain limited markup; amending 37A O.S. 2021, Section 3-123, as amended by Section 3, Chapter 94, O.S.L. 2023 (37A O.S. Supp. 2025, Section 3-123), which relates to sale to wholesalers, beer distributors, or retailers without discrimination or inducement; allowing certain licensed distiller to take certain merchandising actions without certain permission; amending 37A O.S. 2021, Section 5-132, as last amended by Section 3, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025, Section 5-132), which relates to registration of labels; exempting certain spirits from brand label registration fees; 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 2-101, as last amended by Section 3, Chapter 190, O.S.L. 2025 (37A O.S. Supp. 2025, Section 2-101), is amended to read as follows:

Section 2-101. A. Except as otherwise provided in this section, the licenses issued by the ABLE Commission, and the annual fees therefor, shall be as follows:

1. Brewer License..... \$1,250.00
2. Small Brewer License..... \$125.00
3. Distiller License..... ~~\$3,125.00~~ \$1,250.00
4. Winemaker License..... \$625.00
5. Small Farm Winery License..... \$75.00
6. Rectifier License..... \$3,125.00
7. Wine and Spirits Wholesaler License..... \$3,000.00
8. Beer Distributor License..... \$750.00
9. 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.		Retail Wine License.....	\$1,000.00
11.		Retail Beer License.....	\$500.00
12.		Mixed Beverage License.....	\$1,005.00
		(initial license)	
			\$905.00
		(renewal)	
13.		Mixed Beverage/Caterer Combination License.....	\$1,250.00
14.		On-Premises Beer and Wine License.....	\$500.00
		(initial license)	
			\$450.00
		(renewal)	
15.		Bottle Club License.....	\$1,000.00
		(initial license)	
			\$900.00
		(renewal)	
16.		Caterer License.....	\$1,005.00
		(initial license)	
			\$905.00
		(renewal)	
17.		Annual Special Event License.....	\$55.00
18.		Quarterly Special Event License.....	\$55.00
19.		Hotel Beverage License.....	\$1,005.00

1		(initial license)	
2		\$905.00	
3		(renewal)	
4	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
5		License.....	\$1,005.00
6		(initial license)	
7		\$905.00	
8		(renewal)	
9	21.	Agent License.....	\$55.00
10	22.	Employee License.....	\$30.00
11	23.	Industrial License.....	\$23.00
12	24.	Carrier License.....	\$23.00
13	25.	Private Carrier License.....	\$23.00
14	26.	Bonded Warehouse License.....	\$190.00
15	27.	Storage License.....	\$23.00
16	28.	Nonresident Seller License	\$750.00
17	29.	Manufacturer License:	
18	a.	50 cases or less sold in Oklahoma in	
19		last calendar year.....	\$50.00
20	b.	51 to 500 cases sold in Oklahoma in	
21		last calendar year.....	\$75.00
22	c.	501 cases or more sold in Oklahoma in	
23		last calendar year.....	\$150.00
24	30.	Manufacturer's Agent License.....	\$55.00

- 1 31. Sacramental Wine Supplier License..... \$100.00
- 2 32. Charitable Auction License..... \$1.00
- 3 33. Charitable Alcoholic Beverage License..... \$55.00
- 4 34. Winemaker Self-Distribution License:
- 5 a. produced ten thousand (10,000) gallons
- 6 or less in last calendar year..... \$350.00
- 7 b. produced more than ten thousand
- 8 (10,000) gallons but no more than
- 9 fifteen thousand (15,000) gallons in
- 10 last calendar year..... \$750.00
- 11 35. Annual Public Event License..... \$1,005.00
- 12 36. One-Time Public Event License..... \$255.00
- 13 37. Small Brewer Self-Distribution License:
- 14 a. produced fifteen thousand (15,000)
- 15 barrels or less in last calendar year..... \$350.00
- 16 b. produced more than fifteen thousand
- 17 (15,000) barrels in last calendar year..... \$750.00
- 18 38. Brewpub License..... \$1,005.00
- 19 39. Brewpub Self-Distribution License..... \$750.00
- 20 40. Complimentary Beverage License..... \$75.00
- 21 41. Satellite Tasting Room License..... \$100.00
- 22 42. Event Bartender License..... \$50.00

23 B. 1. There shall be added to the initial or renewal fees for

24 a mixed beverage license an administrative fee, which shall not be

25

1 deemed to be a license fee, in the amount of Five Hundred Dollars
2 (\$500.00), which shall be paid at the same time and in the same
3 manner as the license fees prescribed by paragraph 12 of subsection
4 A of this section; provided, this fee shall not be assessed against
5 service organizations or fraternal beneficiary societies which are
6 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
7 Code.

8 2. There shall be added to the fee for a mixed beverage/caterer
9 combination license an administrative fee, which shall not be deemed
10 to be a license fee, in the amount of Two Hundred Fifty Dollars
11 (\$250.00), which shall be paid at the same time and in the same
12 manner as the license fee prescribed by paragraph 13 of subsection A
13 of this section.

14 C. Notwithstanding the provisions of subsection A of this
15 section:

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

21 2. The renewal fee for an airline/railroad/commercial passenger
22 vessel beverage license held by a railroad described in 49 U.S.C.,
23 Section 24301, shall be One Hundred Dollars (\$100.00).
24
25

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

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

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

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

- 21 1. Nonresident Seller License..... \$2,500.00
- 22 2. Manufacturer License:
 - 23 a. 50 cases or less sold in Oklahoma in
 - 24 last calendar year..... \$100.00

- 1 b. 51 to 500 cases sold in Oklahoma in
2 last calendar year..... \$225.00
- 3 c. 501 cases or more sold in Oklahoma in
4 last calendar year..... \$450.00
- 5 3. Wine and Spirits Wholesaler License..... \$2,500.00
- 6 4. Beer Distributor..... \$1,000.00
- 7 5. Retail Spirits License for cities and towns
8 over 5,000 population..... \$250.00
- 9 6. Retail Spirits License for cities and towns
10 from 2,501 to 5,000 population..... \$200.00
- 11 7. Retail Spirits License for cities and towns
12 from 200 to 2,500 population..... \$150.00
- 13 8. Retail Wine License..... \$250.00
- 14 9. Retail Beer License..... \$250.00
- 15 10. Mixed Beverage License..... \$25.00
- 16 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 17 12. Caterer License..... \$25.00
- 18 13. On-Premises Beer and Wine License..... \$25.00
- 19 14. Annual Public Event License..... \$25.00
- 20 15. Small Farm Winery License..... \$25.00
- 21 16. Small Brewer License..... \$35.00
- 22 17. Complimentary Beverage License..... \$25.00

23 The surcharge shall be paid concurrent with the licensee's
24 annual licensing fee and, in addition to Five Dollars (\$5.00) of the

1 employee license fee, shall be deposited in the Alcoholic Beverage
2 Governance Revolving Fund established pursuant to Section 5-128 of
3 this title.

4 H. Any license issued by the ABLE Commission under this title
5 may be relied upon by other licensees as a valid license, and no
6 other licensee shall have any obligation to independently determine
7 the validity of such license or be held liable solely as a
8 consequence of another licensee's failure to maintain a valid
9 license.

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

13 Section 2-103. A. A distiller license shall authorize the
14 holder thereof:

15 1. To manufacture, bottle, package and store spirits on
16 licensed premises;

17 2. To sell spirits in this state to licensed wholesalers and
18 manufacturers only;

19 3. To sell spirits out of this state to qualified persons; to
20 purchase from licensed distillers and rectifiers in this state, and
21 import spirits from without this state for manufacturing purposes in
22 accordance with federal laws and regulations;

23 4. To serve free samples of spirits produced only by the
24 licensee to visitors twenty-one (21) years of age and older. For

1 purposes of this section, no visitor may sample more than a total of
2 three (3) fluid ounces of spirits per day. The distiller shall
3 restrict the distribution and consumption of spirits samples to an
4 area within the licensed premises designated by the distiller. A
5 current floor plan that includes the designated sampling area shall
6 be on file with the ABLE Commission. No visitor under twenty-one
7 (21) years of age shall be permitted to enter the designated
8 sampling area when samples are being distributed and consumed.
9 Samples of spirits served by a distiller under this section shall
10 not be considered a sale of spirits within the meaning of Article
11 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
12 title; provided, such samples of spirits shall be considered removed
13 or withdrawn from the distillery for use or consumption within the
14 meaning of Section 5-110 of this title for excise tax determination
15 and reporting requirements;

16 5. To sell spirits produced by the licensee for either on-
17 premises or off-premises consumption to consumers on the licensed
18 distillery premises or in an area controlled by the licensee located
19 contiguous to the licensed distillery premises and at ~~one (1)~~
20 ~~location~~ locations controlled by the licensee located in the same
21 ~~county~~ state as the licensed distillery premises but not contiguous
22 to the licensed distillery premises. Spirits offered for sale by
23 the Oklahoma licensed distiller will have been sold ~~to and shipped~~
24 to an Oklahoma licensed wine and spirits wholesaler and then made

1 available for purchase by the Oklahoma licensed distiller for sale;
2 and

3 6. To sell spirits and sample spirits at public events such as
4 trade shows or festivals. Products offered for sale by the Oklahoma
5 licensed distiller will have been sold ~~to and shipped~~ to an Oklahoma
6 licensed wine and spirits wholesaler and then made available for
7 purchase by the Oklahoma licensed distiller. Spirits offered for
8 on-premises consumption shall be in an area controlled by the
9 distillery and shall be considered the distillery premises.

10 B. ~~Spirits sold pursuant to paragraphs 5 and 6 of subsection A~~
11 ~~of this section shall not exceed fifteen thousand (15,000) gallons~~
12 ~~per calendar year in combination.~~

13 C. Spirits sold pursuant to paragraphs 5 and 6 of subsection A
14 of this section shall be a final sale. Licensed distillers may
15 offer for sale ~~non-alcoholic~~ nonalcoholic substances which may be
16 added to spirits ~~by the consumer after final sale~~. Substances used
17 for on-premises consumption shall be ~~non-alcoholic~~ nonalcoholic in
18 nature and shall not be considered part of the manufacturing
19 process. Spirits mixed with nonalcoholic substances or spirits
20 produced by the distiller and sold through a distributor in this
21 state shall not be considered a cocktail as defined by Section 1-103
22 of this title.

23 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-107, is
24 amended to read as follows:

1 Section 2-107. A. A wine and spirits wholesaler license shall
2 authorize the holder thereof:

3 1. To purchase and import into this state spirits and wines
4 from persons authorized to sell same who are the holders of a
5 manufacturer or nonresident seller license, and their agents who are
6 the holders of manufacturer's agent licenses;

7 2. To purchase spirits and wines from licensed distillers,
8 rectifiers and winemakers in this state;

9 3. To purchase spirits and wines from licensed wholesalers, to
10 the extent set forth in subsections B and C of this section;

11 4. To sell in retail containers in this state to retailers,
12 mixed beverage, caterer, special event, public event, hotel beverage
13 or airline/railroad beverage licensees, spirits and wines which have
14 been received and unloaded at the bonded warehouse facilities of the
15 wholesaler before such sale;

16 5. To sell to licensed wholesalers, to the extent set forth in
17 subsections B and C of this section, spirits and wines which have
18 been received and unloaded at the bonded warehouse facilities of the
19 wholesaler before such sale;

20 6. To sell spirits and wines out of this state to qualified
21 persons; ~~and~~

22 7. To sell to licensed distillers spirits that were
23 manufactured by that distiller ~~and which have been received and~~
24
25

1 ~~unloaded at a bonded warehouse facility of a wholesaler before such~~
2 ~~sale; and~~

3 8. To sell to a licensed distiller spirits that were
4 manufactured by such distiller on a price not to exceed a twelve-
5 percent markup above the free-on-board price and state excise taxes.

6 Provided, however, sales of spirits and wine in containers with
7 a capacity of less than one-twentieth (1/20) gallon by a holder of a
8 wholesaler license shall be in full case lots and in the original
9 unbroken case. Wholesalers shall be authorized to place such signs
10 outside their place of business as are required by Acts of Congress
11 and by such laws and regulations promulgated under such Acts.

12 B. A wholesaler may sell spirits and wine to other wholesalers
13 or purchase spirits and wines from other wholesalers without
14 complying with subsection A of this section in the case of the sale,
15 purchase or other transfer or acquisition of the entire business of
16 a wholesaler including the inventory of spirits and wine.

17 C. A wholesaler license shall authorize the holder thereof to:

18 1. Maintain not more than three (3) self-owned or leased and
19 self-operated bonded warehouses within this state. All invoices
20 shall be stored at the principal place of business for which the
21 wholesaler license was granted; and

22 2. Accept as payment cash, personal check, cashier's check,
23 money order or electronic fund transfer from persons licensed to
24

1 purchase alcoholic beverages; provided, a wholesaler shall not be
2 permitted to accept payment by credit card.

3 SECTION 4. AMENDATORY 37A O.S. 2021, Section 3-123, as
4 amended by Section 3, Chapter 94, O.S.L. 2023 (37A O.S. Supp. 2025,
5 Section 3-123), is amended to read as follows:

6 Section 3-123. A. It shall be unlawful for any person
7 privileged to sell alcoholic beverages to wholesalers, beer
8 distributors or retailers:

9 1. To discriminate, directly or indirectly, in price between
10 one wine and spirits wholesaler and another wine and spirits
11 wholesaler, when that manufacturer has not designated a single wine
12 and spirits wholesaler, or between one retailer and another retailer
13 purchasing alcoholic beverages bearing the same brand or trade name
14 and of like age and quality, unless otherwise provided by law; or

15 2. To grant, directly or indirectly, any discount, rebate, free
16 goods, allowance or other inducement.

17 B. The ABLE Commission is hereby authorized to promulgate rules
18 which are necessary to carry out the purpose of this section and to
19 prevent its circumvention by offering or giving of any rebate,
20 allowance, free goods, discount or any other thing or service of
21 value; provided, the posting or invoicing of charges per order for
22 processing minimum orders or per case for the handling or repacking
23 of goods by wine and spirits wholesalers and beer distributors for
24

1 sales in less than full case lots shall not constitute a violation
2 of this section.

3 C. For the violation of any provision of this section or of any
4 rule duly promulgated under this section, the ABLE Commission may
5 issue a written warning, fine, suspend or revoke a license as
6 follows:

7 1. For a first offense, a written warning which may be
8 accompanied by a fine not to exceed Five Thousand Dollars
9 (\$5,000.00);

10 2. For a second offense, not exceeding ten (10) days'
11 suspension of license; and

12 3. For a third offense, the ABLE Commission shall revoke the
13 license.

14 Provided, however, prior to suspending or revoking a license,
15 the ABLE Commission shall first provide written notice to a licensee
16 of the violation and a period of ninety (90) days following such
17 notice to cure or remedy such violation. For purposes of this
18 section, a "second offense" and "third offense" shall mean
19 violations that are related to or arising out of and occurring
20 within twelve (12) months of the "first offense".

21 D. For purposes of this section, and except as otherwise
22 provided in subsection E of this section, "inducement" means
23 directly or indirectly offering, selling, trading, giving or
24 furnishing any discount, free goods, electronic or nonelectronic
25

1 refrigerated equipment, barrels, tubs, fixtures, dispensing
2 equipment, outdoor electric or nonelectric advertising structure
3 displaying the retailer's name, permanent shelving, supplies, gifts,
4 prizes, instantly redeemable coupons, premiums, retailer rebates,
5 services of any employee including but not limited to affixing price
6 labels or tags, routinely stocking product on shelves other than the
7 stocking of cold boxes, paying a third party for entering product
8 and price information into a retailer's computer system, portal,
9 website, spreadsheet or third-party system, handling product that
10 was not sold to the retailer by the licensee, paying a slotting fee,
11 selling on consignment, operating a retailer's cash register,
12 conducting janitorial services, providing decorations, samples of
13 alcoholic beverages, personal property or other inducement or thing
14 of value to any retail spirit, retail beer, retail wine, beer and
15 wine, mixed beverage, caterer, bottle club or special event
16 licensee, wine and spirits wholesaler or beer distributor, their
17 agents or employees.

18 E. It shall not be deemed an inducement for a brewer, licensed
19 distiller, beer distributor, small brewer self-distributor or
20 brewpub self-distributor to voluntarily take the following
21 merchandising actions with the permission of the retail licensee:

22 1. Furnish point-of-sale advertising materials and consumer
23 advertising specialties, as those terms are defined in 27 C.F.R.,
24
25

1 Section 6.84 and in compliance with the other limits and
2 restrictions provided in 27 C.F.R., Section 6.84;

3 2. Give or sell product displays, including but not limited to
4 barrels and tubs, provided that the value of such displays does not
5 exceed the limits and restrictions provided in 27 C.F.R., Section
6 6.83;

7 3. Build product displays, accessible to the customer for the
8 product being delivered by the beer distributor;

9 4. Affix pricing to the shelf strip or product display for the
10 product being delivered by the beer distributor, small brewer self-
11 distributor or brewpub self-distributor, or brewed by the brewer;

12 5. Routinely stock and restock shelves and cold boxes and
13 rotate product that has been sold to the retail licensee by the beer
14 distributor, small brewer self-distributor or brewpub self-
15 distributor, or brewed by the brewer;

16 6. Periodically perform product resets, with permission of the
17 retail licensee, pursuant to a provided shelf plan or shelf
18 schematic;

19 7. Furnish things of value to a temporary retailer, as defined
20 in 27 C.F.R., Section 6.85;

21 8. Sell equipment or supplies to a retail licensee, provided
22 the equipment or supplies are sold at a price not less than the cost
23 to the industry member and payment is collected within thirty (30)
24 days of the sale;

1 9. Install dispensing accessories at the retail location, as
2 long as the retailer bears the cost of installation including
3 equipment; or furnish, give or sell coil cleaning services to a
4 retailer;

5 10. Withdraw quantities of beer or cider in undamaged, original
6 packaging from the retail licensee's stock, provided the beer
7 distributor, small brewer self-distributor, brewpub self-distributor
8 or brewer sold such beer, directly or indirectly, to the retail
9 licensee and such removal is otherwise permitted under Section 3-115
10 of this title; provided, however, replacing with beer or cider of
11 equivalent value shall not be considered a consignment sale;

12 11. Provide mail-in rebates for beer, cider and nonalcoholic
13 beverage merchandise items, funded by the brewer and redeemed by the
14 brewer, either by itself or through a third-party fulfillment
15 company, for a discount or rebate on the beer, cider or nonalcoholic
16 item;

17 12. Provide a recommended shelf plan or shelf schematic to a
18 retail licensee for all or any portion of the inventory sold by the
19 retail licensee;

20 13. Furnish or give a sample of beer or cider to a retailer who
21 has not purchased the brand from that brewer, beer distributor,
22 small brewer self-distributor or brewpub self-distributor within the
23 last twelve (12) months, provided that the brewer, beer distributor,
24 small brewer self-distributor or brewpub self-distributor may not

1 give more than thirty-six (36) ounces of any brand of beer or cider
2 to a specific retailer;

3 14. Furnish or give newspaper cuts, mats or engraved blocks for
4 use in retailers' advertisements;

5 15. Package and distribute beer or cider in combination with
6 other nonalcoholic items for sale to consumers;

7 16. Give or sponsor educational seminars for employees of
8 retailers either at the brewer, beer distributor, small brewer self-
9 distributor or brewpub self-distributor's premises or at the
10 retailer's establishment, including seminars dealing with use of a
11 retailer's equipment, training seminars for employees of retailers
12 or tours of the brewer, beer distributor, small brewer self-
13 distributor, or brewpub self-distributor's plant premises, provided
14 that the brewer, beer distributor, small brewer self-distributor or
15 brewpub self-distributor shall not pay the retailer for the
16 employees' travel, lodging or other expenses in conjunction with an
17 educational seminar but may provide nominal hospitality during the
18 event;

19 17. Conduct tasting or sampling activities at a retail
20 establishment and purchase the products to be used from the retailer
21 so long as the purchase price paid does not exceed the ordinary
22 retail price; provided, a beer distributor shall not be required to
23 provide labor for such sampling activities;

1 18. Offer contest prizes, premium offers, refunds and like
2 items directly to consumers so long as officers, employees and
3 representatives of brewers, beer distributors, small brewer self-
4 distributors, brewpub self-distributors and licensed retailers are
5 excluded from participation;

6 19. List the names and addresses of two or more unaffiliated
7 retailers selling the products of a brewer, beer distributor, small
8 brewer, small brewer self-distributor or brewpub self-distributor in
9 an advertisement of such brewer, beer distributor, small brewer,
10 small brewer self-distributor or brewpub self-distributor so long as
11 the requirements of 27 C.F.R., Section 6.98 are satisfied,
12 considering applicable guidance issued by the United States
13 Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau;
14 provided, nothing in the Oklahoma Alcoholic Beverage Control Act
15 shall prohibit a retail, mixed beverage, on-premises beer and wine,
16 public event, special event, charitable auction, charitable
17 alcoholic beverage event, or complimentary beverage licensee from
18 communicating with a brewer, beer distributor, small brewer, small
19 brewer self-distributor or brewpub self-distributor on social media
20 or sharing media on the social media page or site of a brewer, beer
21 distributor, small brewer, small brewer self-distributor or brewpub
22 self-distributor. A retail, mixed beverage, on-premises beer and
23 wine, public event, special event, charitable auction, charitable
24 alcoholic beverage event, or complimentary beverage licensee may

1 request free social media advertising from a brewer, beer
2 distributor, small brewer, small brewer self-distributor or brewpub
3 self-distributor; provided, nothing in this section shall prohibit a
4 brewer, beer distributor, small brewer, small brewer self-
5 distributor or brewpub self-distributor from sharing, reposting or
6 forwarding a social media post by a retail, mixed beverage, on-
7 premises beer and wine, public event, special event, charitable
8 auction, charitable alcoholic beverage event, or complimentary
9 beverage licensee, as long as the sharing, reposting or forwarding
10 of the social media post does not contain the retail price of any
11 alcoholic beverage. No brewer, beer distributor, small brewer,
12 small brewer self-distributor or brewpub self-distributor shall pay
13 or reimburse a retail, mixed beverage, on-premises beer and wine,
14 public event, special event, charitable auction, charitable
15 alcoholic beverage event, or complimentary beverage licensee,
16 directly or indirectly, for any social media advertising services.
17 No retail, mixed beverage, on-premises beer and wine, public event,
18 special event, charitable auction, charitable alcoholic beverage
19 event, or complimentary beverage licensee shall accept any payment
20 or reimbursement, directly or indirectly, for any social media
21 advertising service offered by a brewer, beer distributor, small
22 brewer, small brewer self-distributor or brewpub self-distributor.
23 For purposes of this paragraph, "social media" means a service,
24 platform or site where users communicate with one another and share

1 media, such as pictures, videos, music and blogs, with other users
2 free of charge; or

3 20. Entering product and price information into a retailer's
4 portal, website, spreadsheet or third-party system. A brewer may
5 pay for a third-party system that provides data and pricing services
6 to the brewer or a beer distributor.

7 F. It shall not be deemed an inducement for a brewer, licensed
8 distiller, beer distributor, small brewer self-distributor or
9 brewpub self-distributor to engage in the following marketing
10 activities, provided that the brewer, beer distributor, small brewer
11 self-distributor or brewpub self-distributor shall not pay the
12 retailer's travel costs other than those for local transportation or
13 lodging:

14 1. Provide tickets to a retailer for a sporting or
15 entertainment event so long as a representative of the brewer, beer
16 distributor, small brewer self-distributor or brewpub self-
17 distributor attends the event with the retailer;

18 2. Provide food and beverage to a retailer for immediate
19 consumption:

- 20 a. at a meeting at which the primary purpose is the
21 discussion of business,
22 b. at a convention when the food and beverages are
23 offered to all participants, or
24

1 c. at a sports or entertainment event that the
2 representatives of a brewer, beer distributor, small
3 brewer self-distributor or brewpub self-distributor
4 attend with the retailer;

5 3. Participate in retailer association activities by engaging
6 in the following actions:

- 7 a. displaying products at a convention or trade show,
8 b. renting display booth space if the rental fee is the
9 same as paid by all exhibitors at the event,
10 c. providing its own hospitality which is independent
11 from association-sponsored activities,
12 d. purchasing tickets to functions and paying
13 registration fees if the payments or fees are the same
14 as paid by all attendees, participants or exhibitors
15 at the event, or
16 e. making payments for advertisements in programs or
17 brochures issued by retailer associations at a
18 convention or trade show; or

19 4. Giving or selling outdoor signs to a retailer so long as the
20 following requirements of 27 C.F.R., Section 6.102 are satisfied:

- 21 a. the sign bears conspicuous and substantial advertising
22 matter about the product or the brewer, beer
23 distributor, small brewer self-distributor or brewpub
24

1 self-distributor which is permanently inscribed or
2 securely affixed,

3 b. the retailer is not compensated, directly or
4 indirectly, such as through a sign company, for
5 displaying the signs, and

6 c. a permanent outdoor sign does not contain the
7 retailer's name.

8 G. It shall not be deemed an inducement or a discriminatory
9 action for a brewer, beer distributor, small brewer self-
10 distributor, brewpub self-distributor, or a wine and spirits
11 wholesaler to establish individualized servicing and delivery
12 schedules for its retailers based on each retailer's actual needs,
13 including, without limitation, on the basis of the retailer's sales
14 volume.

15 SECTION 5. AMENDATORY 37A O.S. 2021, Section 5-132, as
16 last amended by Section 3, Chapter 90, O.S.L. 2024 (37A O.S. Supp.
17 2025, Section 5-132), is amended to read as follows:

18 Section 5-132. A. Except as provided in subsection D of this
19 section, no alcoholic beverage shall be labeled, offered or
20 advertised for sale in this state unless in accordance with rules
21 promulgated pursuant to the provisions of Section 5-130 of this
22 title and unless the brand label shall have been registered with and
23 approved by the ABLE Commission and the appropriate fee paid as
24 provided for in this section.

1 B. An application for registration of a brand label shall be
2 filed by and fees paid by the manufacturer or brewer, winemaker,
3 distiller or nonresident seller of the brand. Licensees, other than
4 the foregoing applicants, shall not be required to verify
5 registration to the ABLE Commission and shall not be penalized for
6 any applicant's failure to register its brand label in accordance
7 with this section. Cordials and wines which differ only as to age
8 or vintage year, as defined by such rules, shall be considered the
9 same brand, and those that differ as to type or class may be
10 considered the same brand by the ABLE Commission where consistent
11 with the purposes of this section.

12 C. The application for registration of a brand label shall be
13 filed on a form prescribed by the ABLE Commission, and shall contain
14 such information as the ABLE Commission shall require. Such
15 application shall be accompanied by a certified check, bank
16 officers' check or draft or money order in the amount of the annual
17 registration fee, or the properly prorated portion thereof
18 prescribed by this section.

19 D. 1. The annual fee for registration of any brand label for
20 spirits shall be Three Hundred Seventy-five Dollars (\$375.00),
21 unless total amount of spirits made available for sale in a single
22 year does not exceed fifty-three (53) gallons, in which case the
23 annual fee for registration of any brand label shall be Seventy-five
24 Dollars (\$75.00). The annual fee for registration of any brand

1 label for beer shall be Two Hundred Dollars (\$200.00). The annual
2 fee for registration of any brand label for wine made in the United
3 States, or for registration of any category of imported wine as
4 defined by the Oklahoma Tax Commission, shall be Two Hundred Dollars
5 (\$200.00). Beer and spirits manufactured in this state shall be
6 exempt from brand label registration fees.

7 2. Each brand label registered and approved pursuant to this
8 section shall be valid for a term of up to one (1) year, expiring on
9 the June 30 next following registration, and may be renewed for
10 subsequent terms of one (1) year beginning on the July 1 following
11 the initial registration. Brand registration fees for labels
12 registered after July 1 may be prorated through the following June
13 30 on a quarterly basis. The brand registration fee shall not be
14 transferable, unless otherwise allowed by law. A nonresident seller
15 who registered brands prior to May 7, 2019, may transfer brand
16 registrations to the brewer or manufacturer that produces those
17 brands, provided the brewer or manufacturer has obtained a license,
18 at no expense to the nonresident seller, brewer or manufacturer.

19 E. If the ABLE Commission shall deny the application for
20 registration of a brand label, it shall return the registration fee
21 to the applicant, less twenty-five percent (25%) of such fee.

22 F. The ABLE Commission may at any time exempt any discontinued
23 brand from fee provisions of this section where a manufacturer,
24 brewer, beer distributor or wholesaler has an inventory of one
25

1 hundred cases or less of liquor or wine and five hundred cases or
2 less of beer, and certifies to the ABLE Commission in writing that
3 such brand is being discontinued.

4 G. No private labels or control labels shall be approved for
5 sale in this state, except for charity collaboration beer as
6 authorized in Section 2-102.1 of this title.

7 SECTION 6. This act shall become effective November 1, 2026.
8

9 60-2-2779 CAD 1/15/2026 9:06:11 AM
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25