

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2092

By: Paxton

6 AS INTRODUCED

7 An Act relating to hemp beverages; amending 37A O.S.  
8 2021, Sections 1-103, as last amended by Section 2,  
9 Chapter 190, O.S.L. 2025, and 1-107 (37A O.S. Supp.  
10 2025, Section 1-103), which relate to definitions and  
11 Alcoholic Beverage Laws Enforcement (ABLE) Commission  
12 powers and duties; defining terms; authorizing the  
13 Commission to regulate hemp beverages; amending 37A  
14 O.S. 2021, Section 2-109, as amended by Section 2,  
15 Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025, Section  
16 2-109), which relates to retail spirits licenses;  
17 allowing certain licensee to sell certain hemp  
18 beverages; amending 37A O.S. 2021, Section 3-101, as  
19 amended by Section 498, Chapter 486, O.S.L. 2025 (37A  
20 O.S. Supp. 2025, Section 3-101), which relates to  
21 personal use, possession and making of alcoholic  
22 beverages, and restrictions on retail sales and  
23 shipping for out-of-state businesses; prohibiting the  
24 sale of hemp beverages without certain license;  
25 amending 37A O.S. 2021, Section 6-120, as amended by  
26 Section 711, Chapter 486, O.S.L. 2025 (37A O.S. Supp.  
27 2025, Section 6-120), which relates to selling,  
28 furnishing, or giving alcoholic beverages to persons  
29 under twenty-one years of age; prohibiting hemp  
30 beverages to be sold to persons under certain age;  
31 updating statutory language; and providing an  
32 effective date.

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

1 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-103, as

2 last amended by Section 2, Chapter 190, O.S.L. 2025 (37A O.S. Supp.  
3 2025, Section 1-103), is amended to read as follows:

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

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

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

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

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

22 5. "Beer" means any beverage containing more than one-half of  
23 one percent (0.50%) of alcohol by volume and obtained by the  
24 alcoholic fermentation of an infusion or decoction of barley, or

1 other grain, sugar, malt or similar products. For the purposes of  
2 taxation, distribution, sales, and regulation, seltzer shall mean  
3 the same as beer as provided in this section. Beer may or may not  
4 contain hops or other vegetable products. Beer includes, among  
5 other things, beer, ale, stout, lager beer, porter, seltzer, and  
6 other malt or brewed liquors, but does not include sake, known as  
7 Japanese rice wine;

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

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

16 8. "Bottle club" means any establishment in a county which has  
17 not authorized the retail sale of alcoholic beverages by the  
18 individual drink, which is required to be licensed to keep, mix and  
19 serve alcoholic beverages belonging to club members on club  
20 premises;

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

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

5       11. "Brand extension" means:

6           a. after October 1, 2018, any brand of beer or cider  
7                   introduced by a manufacturer in this state which  
8                   either:

9                   (1) incorporates all or a substantial part of the  
10                           unique features of a preexisting brand of the  
11                           same licensed brewer, or  
12                   (2) relies to a significant extent on the goodwill  
13                           associated with the preexisting brand, or

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

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

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

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

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

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

15. "Club suite" means a designated area within the premises of a mixed beverage licensee designed to provide an exclusive space which is limited to a patron or patrons specifically granted access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage licensee or the public. A club suite must have a clearly designated point of access for a patron or patrons.

1 specifically granted access by the mixed beverage licensee to ensure  
2 that persons present in the suite are limited to patrons  
3 specifically granted access by the mixed beverage licensee and  
4 employees providing services to the club suite;

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

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

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

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

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

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

23 22. "Distiller" means any person who produces spirits from any  
24 source or substance, or any person who brews or makes mash, wort or

1 wash, fit for distillation or for the production of spirits ~~except~~  
2 except a person making or using such material in the authorized  
3 production of wine or beer, or the production of vinegar by  
4 ~~fermentation~~) fermentation, or any person who by any process  
5 separates alcoholic spirits from any fermented substance, or any  
6 person who, making or keeping mash, wort or wash, has also in his or  
7 her possession or use a still;

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

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

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

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

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

7 and continues to be sold and distributed as such on October 1, 2018.

8 Dual-strength beer does not include a brand of beer that arose as a  
9 result of a brand extension as defined in this section;

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

16               28. "Good cause" means:

17                   a. failure by the distributor to comply with the material  
18                   and reasonable provisions of a written agreement or  
19                   understanding with the brewer, or  
20                   b. failure by the distributor to comply with the duty of  
21                   good faith;

22               29. "Good faith" means the duty of each party to any  
23               distributor agreement and all officers, employees or agents thereof

1 to act with honesty in fact and within reasonable standards of fair  
2 dealing in the trade;

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

7       31. "Hemp beverage" means any beverage that contains hemp or  
8 hemp-derived ingredients including cannabinoids, extracts, or  
9 derivatives;

10       32. "Hotel" or "motel" means an establishment which is licensed  
11 to sell alcoholic beverages by the individual drink and which  
12 contains guest room accommodations with respect to which the  
13 predominant relationship existing between the occupants thereof and  
14 the owner or operator of the establishment is that of innkeeper and  
15 guest. For purposes of this section, the existence of other legal  
16 relationships as between some occupants and the owner or operator  
17 thereof shall be immaterial;

18       32. 33. "Legal newspaper" means a newspaper meeting the  
19 requisites of a newspaper for publication of legal notices as  
20 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma  
21 Statutes;

22       33. 34. "Licensee" means any person holding a license under the  
23 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or  
24 employee of such licensee while in the performance of any act or

1       duty in connection with the licensed business or on the licensed  
2       premises;

3       34. 35. "Low-point beer" shall mean any beverages containing  
4       more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
5       not more than three and two-tenths percent (3.2%) alcohol by weight,  
6       including but not limited to beer or cereal malt beverages obtained  
7       by the alcoholic fermentation of an infusion by barley or other  
8       grain, malt or similar products;

9       35. 36. "Manufacturer" means a distiller, winemaker, rectifier  
10      or bottler of any alcoholic beverage (other than beer) and its  
11      subsidiaries, affiliates and parent companies;

12      36. 37. "Manufacturer's agent" means a salaried or commissioned  
13      salesperson who is the agent authorized to act on behalf of the  
14      manufacturer or nonresident seller in this state;

15      37. 38. "Meals" means foods commonly ordered at lunch or dinner  
16      and at least part of which is cooked on the licensed premises and  
17      requires the use of dining implements for consumption. Provided,  
18      that the service of only food such as appetizers, sandwiches, salads  
19      or desserts shall not be considered meals;

20      38. 39. "Mini-bar" means a closed container, either  
21      refrigerated in whole or in part, or unrefrigerated, and access to  
22      the interior of which is:

23            a.     restricted by means of a locking device which requires  
24                           the use of a key, magnetic card or similar device, or

b. controlled at all times by the licensee;

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

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

1       41. 42. "Motion picture theater" means an establishment which  
2 is licensed by Section 2-110 of this title to sell alcoholic  
3 beverages by the individual drink and where motion pictures are  
4 exhibited, and to which the general public is admitted;

5       42. 43. "Nondesignated products" means the brands of wine or  
6 spirits offered for sale by a manufacturer that have not been  
7 assigned to a designated wholesaler;

8       43. 44. "Nonresident seller" means any person licensed pursuant  
9 to Section 2-135 of this title;

10       44. 45. "Retail salesperson" means a salesperson soliciting  
11 orders from and calling upon retail alcoholic beverage stores with  
12 regard to his or her product;

13       45. 46. "Occupation" as used in connection with "occupation  
14 tax" means the sites occupied as the places of business of the  
15 manufacturers, brewers, wholesalers, beer distributors, retailers,  
16 mixed beverage licensees, on-premises beer and wine licensees,  
17 bottle clubs, caterers, public event and special event licensees;

18       46. 47. "Original package" means any container of alcoholic  
19 beverage filled and stamped or sealed by the manufacturer or brewer;

20       47. 48. "Package store" means any sole proprietor or  
21 partnership that qualifies to sell wine, beer and/or spirits for  
22 off-premises consumption and that is not a grocery store,  
23 convenience store or drug store, or other retail outlet that is not  
24 permitted to sell wine or beer for off-premises consumption;

1       48. 49. "Patron" means any person, customer or visitor who is  
2 not employed by a licensee or who is not a licensee;

3       49. 50. "Person" means an individual, any type of partnership,  
4 corporation, association, limited liability company or any  
5 individual involved in the legal structure of any such business  
6 entity;

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

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

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

23       51. 52. "Private event" means a social gathering or event  
24      attended by invited guests who share a common cause, membership,

1 business or task and have a prior established relationship. For  
2 purposes of this definition, advertisement for general public  
3 attendance or sales of tickets to the general public shall not  
4 constitute a private event;

5 52. 53. "Public event" means any event that can be attended by  
6 the general public;

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

18 54. 55. "Regulation" or "rule" means a formal rule of general  
19 application promulgated by the ABLE Commission as herein required;

20 55. 56. "Restaurant" means an establishment that is licensed to  
21 sell alcoholic beverages by the individual drink for on-premises  
22 consumption and where food is prepared and sold for immediate  
23 consumption on the premises;

1       56. 57. "Retail container for spirits and wines" means an  
2 original package of any capacity approved by the United States  
3 Bureau of Alcohol, Tobacco, Firearms and Explosives;

4       57. 58. "Retailer" means a package store, grocery store,  
5 convenience store or drug store licensed to sell alcoholic beverages  
6 for off-premises consumption pursuant to a retail spirits license,  
7 retail wine license or retail beer license;

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

16       59. 60. "Seltzer" means any beverage containing more than one-  
17 half of one percent (0.50%) of alcohol by volume and obtained by the  
18 alcoholic fermentation of malt, rice, grain of any kind, bran,  
19 glucose, sugar, or molasses and combined with carbonated water and  
20 other flavoring and labeled as "beer" by the Internal Revenue Code;  
21 provided, that seltzer shall not include carbonated beverages mixed  
22 with wine or spirits;

23       60. 61. "Short-order food" means food other than full meals  
24 including but not limited to sandwiches, soups and salads.  
25

1       Provided, that popcorn, chips and other similar snack food shall not  
2       be considered short-order food;

3       61. 62. "Small brewer" means a brewer who manufactures less  
4       than sixty-five thousand (65,000) barrels of beer annually pursuant  
5       to a validly issued small brewer license hereunder;

6       62. 63. "Small farm wine" means a wine that is produced by a  
7       small farm winery with seventy-five percent (75%) or more Oklahoma-  
8       grown grapes, berries, other fruits, honey or vegetables;

9       63. 64. "Small farm winery" means a wine-making establishment  
10      that does not annually produce for sale more than fifteen thousand  
11      (15,000) gallons of wine as reported on the United States Department  
12      of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of  
13      Wine Premises Operations (TTB Form 5120.17);

14       64. 65. "Sparkling wine" means champagne or any artificially  
15      carbonated wine;

16       65. 66. "Special event" means an entertainment, recreation or  
17      marketing event that occurs at a single location on an irregular  
18      basis and at which alcoholic beverages are sold;

19       66. 67. "Spirits" means any beverage other than wine or beer,  
20      which contains more than one-half of one percent (1/2 of 1%) alcohol  
21      measured by volume, and obtained by distillation, whether or not  
22      mixed with other substances in solution and includes those products  
23      known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
24      fortified wines and similar compounds, but shall not include any

1 alcohol liquid completely denatured in accordance with the Acts of  
2 Congress and regulations pursuant thereto;

3 ~~67.~~ 68. "Strong beer" means beer which, prior to October 1,  
4 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage  
5 Control Act, Section 1-101 et seq. of this title;

6 ~~68.~~ 69. "Successor brewer" means a primary source of supply, a  
7 brewer, a cider manufacturer or an importer that acquires rights to  
8 a beer or cider brand from a predecessor brewer;

9 ~~69.~~ 70. "Tax Commission" means the Oklahoma Tax Commission;

10 ~~70.~~ 71. "Territory" means a geographic region with a specified  
11 boundary;

12 ~~71.~~ 72. "Wine and spirits wholesaler" or "wine and spirits  
13 distributor" means and includes any sole proprietorship or  
14 partnership licensed to distribute wine and spirits in this state.

15 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage  
16 Control Act, shall be construed to refer to a wine and spirits  
17 wholesaler;

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

1       73. 74. "Winemaker" means and includes any person or  
2 establishment who manufactures for human consumption any wine upon  
3 which a license fee and a tax are imposed by any law of this state;

4       74. 75. "Satellite tasting room" means a licensed establishment  
5 operated off the licensed premises of the holder of a small farm  
6 winery or winemaker license, which serves wine for on-premises or  
7 off-premises consumption; and

8       75. 76. "Straw testing" means the consumption of a de minimis  
9 amount of an alcoholic beverage by sanitary means by the holder of  
10 an employee license, twenty-one (21) years of age or older, to  
11 determine the quality or desired flavor profile of such alcoholic  
12 beverage that has been serviced, or is to be served, to a patron.

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

16       SECTION 2.       AMENDATORY       37A O.S. 2021, Section 1-107, is  
17 amended to read as follows:

18       Section 1-107. A. The ABLE Commission shall have the following  
19 powers and duties:

20       1. To supervise, inspect and regulate every phase of the  
21 business of manufacturing, importing, exporting, transporting,  
22 storing, selling, distributing and possessing for the purpose of  
23 sale, all alcoholic beverages which shall be necessary and proper to

1 carry out the purposes of the Oklahoma Alcoholic Beverage Control  
2 Act;

3 2. To promulgate rules, in the manner herein provided, to carry  
4 out the purposes of the Oklahoma Alcoholic Beverage Control Act;

5 3. To have the sole authority to issue any license provided for  
6 in the Oklahoma Alcoholic Beverage Control Act and except as  
7 provided in Sections 101 and 102 of this act with respect to cities,  
8 towns and counties, and except as may be provided under Title 68 of  
9 the Oklahoma Statutes with respect to the Oklahoma Tax Commission,  
10 no other agency, instrumentality or political subdivision of this  
11 state shall be authorized to issue any license or permit allowing  
12 any licensee to engage in any activity covered by the Oklahoma  
13 Alcoholic Beverage Control Act anywhere within the State of  
14 Oklahoma;

15 4. To refuse to issue any license provided for in the Oklahoma  
16 Alcoholic Beverage Control Act for cause provided for in the  
17 Oklahoma Alcoholic Beverage Control Act;

18 5. To revoke or suspend, for cause after hearing, any license  
19 issued under the authority of the Oklahoma Alcoholic Beverage  
20 Control Act;

21 6. To prescribe the forms of all reports which it deems  
22 necessary in administering the Oklahoma Alcoholic Beverage Control  
23 Act;

1       7. To fix standards not in conflict with those prescribed by  
2 any law of this state or of the United States, to secure the use of  
3 proper ingredients and methods of manufacture and dispensing of  
4 alcoholic beverages;

5       8. To make seizures of alcoholic beverages manufactured, sold,  
6 possessed, imported or transported in violation of the Oklahoma  
7 Alcoholic Beverage Control Act, and apply for the confiscation  
8 thereof whenever required by the Oklahoma Alcoholic Beverage Control  
9 Act, and cooperate in the prosecution of offenders before any court  
10 of competent jurisdiction;

11       9. To submit to the Governor and members of the State  
12 Legislature annual or semiannual reports upon request of the  
13 Governor;

14       10. To inspect or cause to be inspected any premises where  
15 alcoholic beverages are manufactured, stored, distributed, sold,  
16 dispensed or served;

17       11. In the conduct of any hearing authorized to be held by the  
18 ABLE Commission:

19           a. to examine or cause to be examined, under oath, any  
20            person,

21           b. to examine or cause to be examined books and records  
22            of any licensee,

1                   c. to hear testimony and take proof material for the ABLE  
2                   Commission's information and the discharge of its  
3                   duties hereunder,

4                   d. to administer or cause to be administered oaths, and  
5                   e. to issue subpoenas for the attendance of witnesses and  
6                   the production of books or records which shall be  
7                   effective in any part of the state. Any district  
8                   court or any judge thereof, either in term or  
9                   vacation, may by order duly entered require the  
10                  attendance of witnesses and the production of relevant  
11                  books or records subpoenaed by the ABLE Commission,  
12                  and the court or judge may compel obedience to the  
13                  order by proceedings for contempt;

14                 12. To prescribe the kind and size of retail containers of  
15                 alcoholic beverages which may be purchased, possessed and sold by a  
16                 licensee;

17                 13. To prescribe by rule, in addition to those herein required,  
18                 the kinds of records to be kept and reports to be rendered by  
19                 licensees, and the information to be shown therein; provided, that  
20                 the period for which all such records and reports be retained shall  
21                 not be less than five (5) years;

22                 14. To gather, compile and print such statistical data as may  
23                 in the opinion of the ABLE Commission be needed or useful, and  
24                 prescribe charges or fees to be collected from any person or company

1 to whom such data shall be provided. No reports shall contain sales  
2 information by name or license number;

3       15. To educate persons employed by licensees to sell or serve  
4 alcoholic beverages as to the provisions of Article XXVIIIA of the  
5 Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control  
6 Act, with emphasis on recognizing and preventing intoxication and  
7 particular emphasis on those provisions prohibiting the selling or  
8 serving of alcoholic beverages to minors. The ABLE Commission may  
9 contract with one or more entities, including but not limited to the  
10 Oklahoma Department of Mental Health and Substance Abuse Services,  
11 to perform the duties specified in this paragraph;

12       16. To purchase motor vehicles necessary for use in its  
13 operations. Such motor vehicles shall not be required to have any  
14 type of identifying marking thereon;

15       17. To purchase insurance on the motor vehicles owned and  
16 operated by the ABLE Commission in accordance with statutory  
17 provisions, subject to the approval of the Risk Management  
18 Administrator as provided for in Section 85.58A of Title 74 of the  
19 Oklahoma Statutes;

20       18. To approve or reject any official bond required to be filed  
21 with the ABLE Commission; and

22       19. To exercise all other powers and duties conferred by the  
23 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,  
24 convenient or necessary to enable it to administer or carry out any

1 of the provisions of the Oklahoma Alcoholic Beverage Control Act;   
2 and

3 20. To supervise, inspect and regulate the business of hemp  
4 beverages.

5 B. The ABLE Commission shall promulgate rules, pursuant to the  
6 Administrative Procedures Act, to carry out the purposes of the  
7 Oklahoma Alcoholic Beverage Control Act.

8 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-109, as  
9 amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025,  
10 Section 2-109), is amended to read as follows:

11 Section 2-109. A. A retail spirits license shall authorize the  
12 holder thereof:

13 1. To purchase wine or spirits from a wine and spirits  
14 wholesaler;

15 2. To purchase beer from a beer distributor or from the holder  
16 of a small brewer self-distribution license;

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

22 4. To host alcoholic beverage tastings consistent with  
23 subsections D and E of this section; and

24 5. To sell hemp beverages.

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

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

3           2. To purchase wine from a small farm winemaker who is

4           permitted and has elected to self-distribute as provided in Article  
5           XXVIII-A of the Oklahoma Constitution;

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

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

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

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

16           1. To purchase beer from a beer distributor;

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

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

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

3           Provided, no holder of a retail beer license may sell a malt  
4 beverage with alcohol beverage volume in excess of fifteen percent  
5 (15%).

6       D. All tastings conducted under this section shall:

7           1. Be conducted under the direct supervision of the licensee  
8 authorized to host the tasting;

9           2. Be poured by any ABLE Commission licensee lawfully permitted  
10 to serve alcoholic beverages, provided no wine or spirits  
11 wholesaler, beer distributor or employee of a wine or spirits  
12 wholesaler or beer distributor shall be allowed to pour samples for  
13 tastings;

14           3. Use alcoholic beverages purchased by the licensee authorized  
15 to host the tastings from a licensed wine and spirits wholesaler,  
16 beer distributor, self-distributor, small brewer or self-  
17 distributing winery authorized to sell the same, and the licensee  
18 shall pay the applicable taxes on the alcoholic beverages purchased;  
19 provided, the licensee may only provide samples of alcoholic  
20 beverages that its license is authorized to sell;

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

1       5. Be limited to no more than one (1) fluid ounce of spirits,  
2       two (2) fluid ounces of wine or three (3) fluid ounces of beer per  
3       consumer per day; and

4       6. Be consumed on the licensed premises of the licensee  
5       authorized to host the tastings or at a location other than the  
6       licensed premises, provided no samples served on the licensed  
7       premises shall be permitted to be removed from the licensed  
8       premises.

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

11      1. All samples are poured only from original sealed packaging;  
12      2. Any alcoholic beverages remaining in unsealed packaging used  
13      to provide samples, excluding spirits, are poured out by the end of  
14      the day;

15      3. No more than six (6) bottles of alcoholic beverages are  
16      unsealed at any given time; and

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

19       F. 1. Retail spirits, retail wine, and retail beer licensees  
20      shall be authorized to host educational alcoholic beverage training,  
21      which includes tastings, for employees who are licensed to sell such  
22      beverages on the licensed premises in such containers to consumers  
23      for off-premises consumption only. Alcoholic beverages for training

1 purposes may be provided by wine and spirits wholesaler licensees  
2 and beer distributor licensees.

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

15       3. An educational tasting of beer may consist of not more than  
16 six separate individual beers of not more than two (2) ounces each,  
17 served together at one time. No employee may sample more than a  
18 total of twelve (12) fluid ounces of beer per day. An educational  
19 tasting of wine may consist of not more than six separate individual  
20 wines of not more than one (1) ounce each, served together at one  
21 time. No employee may sample more than a total of six (6) fluid  
22 ounces of wine per day. An educational tasting of spirits shall  
23 consist of not more than three separate individual spirits of not  
24 more than one-half (0.5) ounce each, served together at one time.

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

1 purposes of the collection of the excise tax on beer, wine, and  
2 spirits. Tastings offered to licensees by wine and spirits  
3 wholesalers and beer distributors shall not be deemed discrimination  
4 or an inducement under Section 3-123 of this title.

5 SECTION 4. AMENDATORY 37A O.S. 2021, Section 3-101, as  
6 amended by Section 498, Chapter 486, O.S.L. 2025 (37A O.S. Supp.  
7 2025, Section 3-101), is amended to read as follows:

8 Section 3-101. A. No person shall manufacture, rectify, sell,  
9 possess, store, import into or export from this state, transport or  
10 deliver any alcoholic ~~beverage~~ beverages or hemp beverages except as  
11 specifically provided in the Oklahoma Alcoholic Beverage Control  
12 Act. Provided, that nothing herein shall prevent the possession and  
13 transportation of alcoholic beverages for the personal use of the  
14 possessor and his or her family and guests, so long as the Oklahoma  
15 excise tax has been paid thereon, except for beer. Provided,  
16 further, that nothing herein in this section shall prevent a person  
17 from making beer, cider or wine, by simple fermentation and without  
18 distillation for personal use if the maker of such beverages has  
19 first applied for and possesses a valid personal use permit issued  
20 by the ABLE Commission and the total volume of beer, cider or wine  
21 produced in any given calendar year is less than two hundred (200)  
22 gallons. No beverages made pursuant to a personal use permit shall  
23 be sold or offered for sale.

1       B. 1. Any duly licensed physician or dentist may possess and  
2 use alcoholic beverages in the strict practice of the profession and  
3 any hospital or other institution caring for sick or diseased  
4 persons may possess and use alcoholic beverages for the treatment of  
5 bona fide patients of such hospital or institution. Any drugstore  
6 employing a licensed pharmacist may possess and use alcoholic  
7 beverages in the preparation of prescriptions of duly licensed  
8 physicians.

9       2. The possession, transportation and dispensation of wine by  
10 any authorized representative of any church for the conducting of a  
11 bona fide rite or religious ceremony conducted by such church shall  
12 not be prohibited by the Oklahoma Alcoholic Beverage Control Act;  
13 nor shall such act prevent the sale, shipping or delivery of  
14 sacramental wine by any person holding a sacramental wine supplier  
15 license issued pursuant to the Oklahoma Alcoholic Beverage Control  
16 Act to any religious corporation or society of this state holding a  
17 valid exemption from taxation issued pursuant to Section 501(a) of  
18 the Internal Revenue Code, 1954, and listed as an exempt  
19 organization in Section 501(c) (3) of the Internal Revenue Code,  
20 1954, of the United States, as amended.

21       3. Provided further, that nothing in the Oklahoma Alcoholic  
22 Beverage Control Act shall prevent the possession, transportation  
23 and sale of alcoholic beverages within military reservations and in  
24 accordance with the laws and rules governing such military

1 reservations, provided that the Oklahoma excise tax has been paid on  
2 such beverages.

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

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

19       3. In addition, if the person holds a license issued by the  
20 ABLE Commission, the license shall be revoked pursuant to Section 60  
21 of this act.

22       D. All brewers, importers, brokers and others who sell beer or  
23 cider to licensed beer distributors in Oklahoma or manufacturers,  
24 importers, brokers and others who sell cider to licensed beer

1 distributors in Oklahoma, regardless of whether such sales are  
2 consummated within or without the state, must obtain a license, as  
3 the case may be, in order to sell beer or cider intended for  
4 consumption within ~~the State of Oklahoma~~ this state.

5 SECTION 5. AMENDATORY 37A O.S. 2021, Section 6-120, as  
6 amended by Section 711, Chapter 486, O.S.L. 2025 (37A O.S. Supp.  
7 2025, Section 6-120), is amended to read as follows:

8 Section 6-120. A. Any person who shall sell, furnish or give  
9 alcoholic ~~beverage~~ beverages or hemp beverages to a person under  
10 twenty-one (21) years of age shall be guilty of a misdemeanor for a  
11 first violation, and upon conviction shall be fined not more than  
12 Five Hundred Dollars (\$500.00), or imprisoned in the county jail for  
13 not more than one (1) year, or by both such fine and imprisonment.  
14 Any person convicted of a second or subsequent violation shall be  
15 guilty of a Class D3 felony offense, and shall be fined not less  
16 than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than  
17 Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in  
18 subsections B through F of Section 20P of Title 21 of the Oklahoma  
19 Statutes, or by both such fine and imprisonment. The ABLE  
20 Commission shall revoke the license of any person convicted of a  
21 violation of this section.

22 B. Any person convicted of a violation pursuant to subsection A  
23 of this section shall be required to attend a victims impact panel  
24

1 program, as defined in Section 991a of Title 22 of the Oklahoma  
2 Statutes.

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

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