

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3035

By: Grego

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-102, as amended by Section 4, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2025, Section 2-102), which relates to small brewer license; allowing a small brewer licensee to manufacture, bottle, package and store a limited amount of spirits; providing who a small brewer may sell distilled spirits to; allowing a small brewer to purchase and import certain items; requiring a small brewer to obtain a Distilled Spirits Plant (DSP) permit from the Alcohol and Tobacco Tax and Trade Bureau (TTB); requiring filing of permit; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-102, as amended by Section 4, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2025, Section 2-102), is amended to read as follows:

Section 2-102. A. A brewer license shall authorize the holder thereof:

1. To manufacture, bottle, package and store beer and cider on the licensed premises; and

1        2. To sell beer and cider in this state to holders of beer  
2 distributor licenses and to sell beer and cider out of this state to  
3 qualified persons.

4        B. A small brewer license shall authorize the holder thereof:

5        1. To manufacture, bottle, package and store beer and cider  
6 produced by the licensee on licensed premises;

7        2. To sell beer and cider in this state to holders of beer  
8 distributor licenses and retail licenses or to sell beer and cider  
9 out of this state to qualified persons;

10       3. To serve free samples of beer and cider produced by the  
11 licensee to visitors twenty-one (21) years of age or older;

12       4. To sell beer and cider produced by the licensee for either  
13 on-premises or off-premises consumption to consumers on the brewery  
14 premises, or on premises located contiguous thereto;

15       5. To sell beer and cider at events attended by the public  
16 including, but not limited to, trade shows, festivals, farmers  
17 markets, boat shows, RV shows, home and garden shows, fairs, car  
18 shows, swap meets, city events, county events, or state events for  
19 either on-premises or off-premises consumption, regardless of  
20 whether such events are held at premises covered by a license to  
21 sell, serve, or store alcoholic beverages. A small brewer license  
22 holder shall not be required to secure or control the premises of an  
23 event attended by the public where the small brewer license holder  
24 sells beer or cider;

1        6. To purchase wine in retail containers from the holder of a  
2 wholesaler license or as specifically provided by law;

3        7. To sell, offer for sale and possess wine for on-premises  
4 consumption;

5        8. To host off-site events pursuant to Section ~~4~~ 2-162 of this  
6 ~~act~~ title; and

7        9. To purchase from licensed brewers, small brewers, and  
8 brewpubs in this state, and to import beer into this state for use  
9 in manufacturing in accordance with federal laws and regulations;  
10 and

11        10. To manufacture, bottle, package, and store spirits on  
12 licensed premises. However, a licensee shall not exceed one  
13 thousand (1,000) gallons per calendar year in combination. Under  
14 this paragraph, a small brewer may sell spirits in this state to  
15 licensed wholesalers and manufacturers only and may sell spirits out  
16 of this state to qualified persons. A small brewer may purchase  
17 from licensed distillers and rectifiers in this state, and import  
18 spirits from without this state for manufacturing purposes in  
19 accordance with federal laws and regulations. A small brewer  
20 seeking to manufacture, bottle, package, and store spirits pursuant  
21 to this paragraph must first request and obtain a Distilled Spirits  
22 Plant (DSP) permit from the Alcohol and Tobacco Tax and Trade Bureau  
23 (TTB) and file such permit with the ABLE Commission.  
24

1 C. The holder of multiple small brewer licenses may sell beer  
2 and cider produced at up to three breweries for which the licensee  
3 has a license, at any other of such three licensed breweries or on  
4 premises located contiguous thereto.

5 D. Nothing in the Oklahoma Alcoholic Beverage Control Act shall  
6 prohibit the holder of a small brewer license from also holding or  
7 owning an interest in the holder of a brewpub license.

8 E. For purposes of this section, no visitor may sample more  
9 than a total of twelve (12) fluid ounces of beer and cider per day.  
10 The brewer must restrict the distribution of beer and cider samples  
11 to an area within the licensed premises as defined in this  
12 subsection. A current floor plan that includes the designated  
13 serving area must be on file with the ABLE Commission. No visitor  
14 under twenty-one (21) years of age shall be permitted to enter this  
15 designated serving area. Accompanied visitors under twenty-one (21)  
16 years of age shall be allowed anywhere on the premises except for a  
17 serving area. Samples of beer and cider served by a brewery under  
18 this section shall not be considered a sale of beer and cider within  
19 the meaning of Article XXVIII-A of the Oklahoma Constitution or  
20 Section 1-103 of this title; however, such samples of beer and cider  
21 shall be considered beer and cider removed or withdrawn from the  
22 brewery for use or consumption within the meaning of Section 5-110  
23 of this title for excise tax determination and reporting  
24 requirements. Sales and sampling may only occur between the hours

1 of 10:00 a.m. and 2:00 a.m. For purposes of this subsection,  
2 "serving area" means the area of the bar where drinks are sold,  
3 prepared, and served to paying customers and shall not include other  
4 areas of the brewery where customers consume purchased products.

5 F. A small brewer self-distribution license shall authorize  
6 holders of a small brewer license to distribute beer and cider  
7 produced only by such licensee to a holder of a retail beer license,  
8 retail spirits license, mixed beverage license, beer and wine  
9 license, caterer's license, special event license, public event  
10 license, charitable auction license or brewpub license. A small  
11 brewer shall elect whether it will distribute through a distributor  
12 or self-distribute in a subject territory; however, a small brewer  
13 may not elect to do both simultaneously in a subject territory. The  
14 election shall be made through notice to the ABLE Commission. Any  
15 changes to the election shall require immediate notification to the  
16 ABLE Commission before the change in election will take effect. A  
17 small brewer that elects to self-distribute in multiple territories  
18 shall only be required to have one small brewer self-distribution  
19 license.

20 G. All manufacturer's licenses held by brewers during the first  
21 calendar year beginning October 1, 2018, shall automatically convert  
22 to brewer licenses and be deemed effective as of the date of the  
23 first issuance of the manufacturer's license. Upon the first  
24 renewal of the license, the brewer will need to obtain the

1 appropriate brewer's license. If a brewer elects to market wine and  
2 spirits, the brewer will also be required to obtain a manufacturer's  
3 license and comply with the rules and regulations for both licenses.

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

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