

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3212

By: Humphrey

6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Section 2-103, as amended by Section 5,
9 Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2025,
10 Section 2-103), which relates to distiller licenses;
11 allowing the serving of sample at public events; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-103, as
15 amended by Section 5, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2025,
16 Section 2-103), is amended to read as follows:

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

18 1. To manufacture, bottle, package and store spirits on
19 licensed premises;

20 2. To sell spirits in this state to licensed wholesalers and
21 manufacturers only;

22 3. To sell spirits out of this state to qualified persons; to
23 purchase from licensed distillers and rectifiers in this state, and

1 import spirits from without this state for manufacturing purposes in
2 accordance with federal laws and regulations;

3 4. To serve free samples of spirits produced only by the
4 licensee to visitors twenty-one (21) years of age and older. For
5 purposes of this section, no visitor may sample more than a total of
6 three (3) fluid ounces of spirits per day. The distiller shall
7 restrict the distribution and consumption of spirits samples to an
8 area within the licensed premises designated by the distiller. A
9 current floor plan that includes the designated sampling area shall
10 be on file with the ABLE Commission. No visitor under twenty-one
11 (21) years of age shall be permitted to enter the designated
12 sampling area when samples are being distributed and consumed.

13 Samples of spirits served by a distiller under this section shall
14 not be considered a sale of spirits within the meaning of Article
15 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
16 title; provided, such samples of spirits shall be considered removed
17 or withdrawn from the distillery for use or consumption within the
18 meaning of Section 5-110 of this title for excise tax determination
19 and reporting requirements;

20 5. To sell spirits produced by the licensee for either on-
21 premises or off-premises consumption to consumers on the licensed
22 distillery premises or in an area controlled by the licensee located
23 contiguous to the licensed distillery premises and at one (1)
24 location controlled by the licensee located in the same county as

1 the licensed distillery premises but not contiguous to the licensed
2 distillery premises. Spirits offered for sale by the Oklahoma
3 licensed distiller will have been sold to and shipped to an Oklahoma
4 licensed wine and spirits wholesaler and then made available for
5 purchase by the Oklahoma licensed distiller for sale; and

6 6. To sell and provide samples of spirits at public events such
7 as which shall include, but are not limited to, trade shows or
8 festivals. Products offered for sale by the Oklahoma licensed
9 distiller will have been sold to and shipped to an Oklahoma licensed
10 wine and spirits wholesaler and then made available for purchase by
11 the Oklahoma licensed distiller.

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

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

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