

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3334

By: Hays

6 AS INTRODUCED

7 An Act relating to alcoholic beverages; creating the
8 Limited Retail-to-On-Premises Alcohol Supply Act;
9 defining terms; providing that an on-premises
10 licensee may purchase alcoholic beverages from an
11 off-premises licensee under certain conditions;
12 providing conditions; requiring certain recordkeeping
and reporting; providing penalty for violation;
directing the ABLE Commission to promulgate rules;
providing certain clarifications for scope of act;
providing for noncodification; providing for
codification; and providing an effective date.

13

14

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as the "Limited Retail-
19 to-On-Premises Alcohol Supply Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-128 of Title 37A, unless there
22 is created a duplication in numbering, reads as follows:

23 A. As used in this act:

1 1. "Limited purchase" means a non-wholesale transaction between
2 an off-premises and an on-premises licensee involving sealed
3 alcoholic beverages, subject to weekly volume limits;

4 2. "Liquor-by-the-Drink Tax" means the excise tax imposed under
5 Sections 5-101 through 5-107 of this title on alcoholic beverages
6 sold for on-premises consumption;

7 3. "Off-premises licensee" means a holder of a retail spirits
8 license pursuant to Section 2-109 of this title who is authorized to
9 sell alcoholic beverages for off-premises consumption;

10 4. "On-premises licensee" means a holder of a mixed beverage
11 license pursuant to Section 2-110 of this title or an on-premises
12 beer and wine license pursuant to Section 2-128 of this title who is
13 authorized to sell alcoholic beverages for consumption on the
14 licensed premises;

15 5. "Sales tax permit" means a valid permit issued by the
16 Oklahoma Tax Commission under Title 68 of the Oklahoma Statutes
17 authorizing the collection and remittance of sales tax;

18 6. "Tied-house restrictions" means the prohibitions under
19 Section 3-121 of this title and 27 U.S.C., Section 205(b) against
20 financial entanglements or coercive relationships between tiers; and

21 7. "Wholesaler obligations" means the legal duties under
22 Sections 2-107 and 2-138 of this title requiring alcoholic beverage
23 distribution through licensed wholesalers.

24

1 B. Notwithstanding Section 2-138 of this title, an on-premises
2 licensee may purchase alcoholic beverages from an off-premises
3 licensee under the following conditions:

4 1. All beverages must be in sealed, original containers;

5 2. The on-premises licensee shall retain full responsibility
6 for remitting the Liquor-by-the-Drink Tax under Section 5-105 of
7 this title;

8 3. The off-premises licensee shall not collect sales tax,
9 provided the on-premises licensee holds a valid sales tax permit and
10 the transfer is documented as a tax-exempt transaction;

11 4. These limited purchases shall not be used to circumvent
12 wholesaler obligations under Section 2-107 of this title or federal
13 tied-house restrictions under 27 U.S.C., Section 205(b); and

14 5. No licensee may condition such purchases on brand
15 exclusivity, advertising obligations, or promotional consideration.

16 C. 1. Both licensees shall maintain detailed records of each
17 transaction, including:

18 a. date and volume,

19 b. product details,

20 c. license numbers of both parties, and

21 d. documentation of tax responsibilities.

22 2. Records shall be retained for twenty-four (24) months and
23 provided upon request to the Alcoholic Beverage Laws Enforcement
24 (ABLE) Commission or the Oklahoma Tax Commission.

1 D. Violations of this act are subject to penalties under
2 Section 2-148 et seq. of this title, including fines up to One
3 Thousand Dollars (\$1,000.00) per occurrence, license suspension, or
4 revocation.

5 E. The ABLE Commission shall promulgate rules to implement and
6 enforce this act, which shall be limited to volume caps, reporting
7 formats, and audit procedures only; ABLE is prohibited from making
8 an expansion of eligible products or frequency.

9 F. Nothing in this act shall be construed to permit slotting
10 fees, tied product placements, or incentives or inducements that
11 conflict with Section 3-121 of this title or 27 U.S.C., Section
12 205(b).

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

14
15 60-2-14048 JL 01/06/26

16
17
18
19
20
21
22
23
24