

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3851

By: Roberts

AS INTRODUCED

An Act relating to alcoholic beverages; requiring wholesaler's in certain circumstances to provide on a website an inventory list of alcoholic beverage products; providing timeline for wholesalers to update inventory list; providing for violations; directing the Alcoholic Beverage Laws Enforcement Commission to promulgate certain rules; amending 37A O.S. 2021, Section 1-103, as last amended by Section 2, Chapter 190, O.S.L. 2025 (37A O.S. Supp. 2025, Section 1-103), which relates to definitions; providing additional definitions; amending 37A O.S. 2021, Section 5-132, as last amended by Section 3, Chapter 90, O.S.L. 2025 (37A O.S. Supp. 2025, Section 5-132), which relates to brand labeling; providing when a product shall be deemed a control label or a private label; requiring certain information to be included on the ABLE Commission's brand registration form; prohibiting the sale of certain alcoholic beverage products; prohibiting certain agreements or arrangements; providing fines for certain violations; prohibiting wholesalers from certain actions; providing that no product distributed by, but not owned by the licensed wholesaler, shall be authorized to be included in short supply reports; providing the ABLE Commission may undertake certain investigations; directing ABLE Commission to promulgate certain rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-128 of Title 37A, unless there is created a duplication in numbering, reads as follows:

A. Any wholesaler licensed under this title that opts to own, operate or maintain a website or utilize an online ordering platform shall be required to display on said website an inventory list reflecting all alcoholic beverage products, including quantities currently on hand to the nearest case. This inventory shall be updated no less than once every twenty-four (24) hours. Failure to comply shall constitute a trade practice violation subject to enforcement by the Alcoholic Beverage Laws Enforcement Commission (ABLE). Violations of this act are subject to penalties including fines up to Two-Thousand Dollars (\$2,000.00) per occurrence, license suspension, or revocation.

B. The ABLE Commission shall promulgate rules to implement and enforce this Act, including audit protocols if applicable.

SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, as last amended by Section 2, Chapter 190, O.S.L. 2025 (37A O.S. Supp. 2025, Section 1-103), is amended to read as follows:

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

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

1 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
2 alcohol, ethanol or spirits of wine, from whatever source or by
3 whatever process produced. It does not include wood alcohol or
4 alcohol which has been denatured or produced as denatured in
5 accordance with Acts of Congress and regulations promulgated
6 thereunder;

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

11 4. "Applicant" means any individual, legal or commercial
12 business entity, or any individual involved in any legal or
13 commercial business entity allowed to hold any license issued in
14 accordance with the Oklahoma Alcoholic Beverage Control Act;

15 5. "Beer" means any beverage containing more than one-half of
16 one percent (0.50%) of alcohol by volume and obtained by the
17 alcoholic fermentation of an infusion or decoction of barley, or
18 other grain, sugar, malt or similar products. For the purposes of
19 taxation, distribution, sales, and regulation, seltzer shall mean
20 the same as beer as provided in this section. Beer may or may not
21 contain hops or other vegetable products. Beer includes, among
22 other things, beer, ale, stout, lager beer, porter, seltzer, and
23 other malt or brewed liquors, but does not include sake, known as
24 Japanese rice wine;

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

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

9 8. "Bottle club" means any establishment in a county which has
10 not authorized the retail sale of alcoholic beverages by the
11 individual drink, which is required to be licensed to keep, mix and
12 serve alcoholic beverages belonging to club members on club
13 premises;

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

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

21 11. "Brand extension" means:

- 22 a. after October 1, 2018, any brand of beer or cider
23 introduced by a manufacturer in this state which
24 either:

1 (1) incorporates all or a substantial part of the
2 unique features of a preexisting brand of the
3 same licensed brewer, or

4 (2) relies to a significant extent on the goodwill
5 associated with the preexisting brand, or

6 b. any brand of beer that a brewer, the majority of whose
7 total volume of all brands of beer distributed in this
8 state by such brewer on January 1, 2016, was
9 distributed as low-point beer, desires to sell,
10 introduces, begins selling or theretofore has sold and
11 desires to continue selling a strong beer in this
12 state which either:

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

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

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

23 13. "Brewpub" means a licensed establishment operated on the
24 premises of, or on premises located contiguous to, a small brewer,

1 that prepares and serves food and beverages, including alcoholic
2 beverages, for on-premises consumption;

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

10 15. "Club suite" means a designated area within the premises of
11 a mixed beverage licensee designed to provide an exclusive space
12 which is limited to a patron or patrons specifically granted access
13 by a mixed beverage licensee and is not accessible to other patrons
14 of the mixed beverage licensee or the public. A club suite must
15 have a clearly designated point of access for a patron or patrons
16 specifically granted access by the mixed beverage licensee to ensure
17 that persons present in the suite are limited to patrons
18 specifically granted access by the mixed beverage licensee and
19 employees providing services to the club suite;

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

22 17. "Controlled label" means a spirit, wine, beer, or other
23 beverage alcohol product that is manufactured for sale or sold under
24 an agreement between a supplier or its affiliates and a retailer or

1 its affiliates, directly or indirectly, under which the retailer
2 coordinates the manufacture, including, but not limited to, flavor
3 profile, formulation, production costs, volume or schedule, source
4 of any ingredients, packaging or labeling of the product and its
5 distribution at the retailer's outlet or outlets; provided, however,
6 the retailer does not directly or indirectly own the name or
7 trademark of the product. A product shall be deemed a control label
8 if the retailer retains the authority to dictate terms of
9 production, marketing, or sales in a manner that restricts
10 availability to other market participants outside standard
11 competitive practices;

12 18. "Convenience store" means any person primarily engaged in
13 retailing a limited range of general household items and groceries,
14 with extended hours of operation, whether or not engaged in retail
15 sales of automotive fuels in combination with such sales;

16 ~~18.~~ 19. "Convicted" and "conviction" mean and include a finding
17 of guilt resulting from a plea of guilty or nolo contendere, the
18 decision of a court or magistrate or the verdict of a jury,
19 irrespective of the pronouncement of judgment or the suspension
20 thereof;

21 ~~19.~~ 20. "Designated products" means the brands of wine or
22 spirits offered for sale by a manufacturer that the manufacturer has
23 assigned to a designated wholesaler for exclusive distribution;

1 ~~20.~~ 21. "Designated wholesaler" means a wine and spirits
2 wholesaler who has been selected by a manufacturer as a wholesaler
3 appointed to distribute designated products;

4 ~~21.~~ 22. "Director" means the Director of the ABLE Commission;

5 ~~22.~~ 23. "Distiller" means any person who produces spirits from
6 any source or substance, or any person who brews or makes mash, wort
7 or wash, fit for distillation or for the production of spirits
8 (except a person making or using such material in the authorized
9 production of wine or beer, or the production of vinegar by
10 fermentation), or any person who by any process separates alcoholic
11 spirits from any fermented substance, or any person who, making or
12 keeping mash, wort or wash, has also in his or her possession or use
13 a still;

14 ~~23.~~ 24. "Distributor agreement" means the written agreement
15 between the distributor and brewer as set forth in Section 3-108 of
16 this title;

17 ~~24.~~ 25. "Drug store" means a person primarily engaged in
18 retailing prescription and nonprescription drugs and medicines;

19 ~~25.~~ 26. "Event venue" means any nongovernmental location,
20 property, space, premises, grounds, building or buildings, or other
21 site that offers to the general public for rent, lease, reservation,
22 or other contractual use, for the hosting of a function, occasion,
23 or event, special, private, or public, of a temporary nature. The
24 location, property, space, premises, grounds, or building or

1 buildings defined in this paragraph shall not include those owned,
2 leased, or occupied by organizations exempt from taxation pursuant
3 to the provisions of the Internal Revenue Code, 26 U.S.C., Section
4 501(c)(3);

5 ~~26.~~ 27. "Dual-strength beer" means a brand of beer that,
6 immediately prior to April 15, 2017, was being sold and distributed
7 in this state:

8 a. as a low-point beer pursuant to the Low-Point Beer
9 Distribution Act in effect immediately prior to
10 October 1, 2018, and

11 b. as strong beer pursuant to the Oklahoma Alcoholic
12 Beverage Control Act in effect immediately prior to
13 October 1, 2018,

14 and continues to be sold and distributed as such on October 1, 2018.
15 Dual-strength beer does not include a brand of beer that arose as a
16 result of a brand extension as defined in this section;

17 ~~27.~~ 28. "Fair market value" means the value in the subject
18 territory covered by the written agreement with the distributor or
19 wholesaler that would be determined in an arm's length transaction
20 entered into without duress or threat of termination of the
21 distributor's or wholesaler's rights and shall include all elements
22 of value, including goodwill and going-concern value;

23 ~~28.~~ 29. "Good cause" means:
24

1 a. failure by the distributor to comply with the material
2 and reasonable provisions of a written agreement or
3 understanding with the brewer, or

4 b. failure by the distributor to comply with the duty of
5 good faith;

6 ~~29.~~ 30. "Good faith" means the duty of each party to any
7 distributor agreement and all officers, employees or agents thereof
8 to act with honesty in fact and within reasonable standards of fair
9 dealing in the trade;

10 ~~30.~~ 31. "Grocery store" means a person primarily engaged in
11 retailing a general line of food, such as canned or frozen foods,
12 fresh fruits and vegetables, and fresh and prepared meats, fish and
13 poultry;

14 ~~31.~~ 32. "Hotel" or "motel" means an establishment which is
15 licensed to sell alcoholic beverages by the individual drink and
16 which contains guest room accommodations with respect to which the
17 predominant relationship existing between the occupants thereof and
18 the owner or operator of the establishment is that of innkeeper and
19 guest. For purposes of this section, the existence of other legal
20 relationships as between some occupants and the owner or operator
21 thereof shall be immaterial;

22 ~~32.~~ 33. "Legal newspaper" means a newspaper meeting the
23 requisites of a newspaper for publication of legal notices as
24

1 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
2 Statutes;

3 ~~33.~~ 34. "Licensee" means any person holding a license under the
4 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
5 employee of such licensee while in the performance of any act or
6 duty in connection with the licensed business or on the licensed
7 premises;

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

14 ~~35.~~ 36. "Manufacturer" means a distiller, winemaker, rectifier
15 or bottler of any alcoholic beverage (other than beer) and its
16 subsidiaries, affiliates and parent companies;

17 ~~36.~~ 37. "Manufacturer's agent" means a salaried or commissioned
18 salesperson who is the agent authorized to act on behalf of the
19 manufacturer or nonresident seller in this state;

20 ~~37.~~ 38. "Meals" means foods commonly ordered at lunch or dinner
21 and at least part of which is cooked on the licensed premises and
22 requires the use of dining implements for consumption. Provided,
23 that the service of only food such as appetizers, sandwiches, salads
24 or desserts shall not be considered meals;

1 ~~38.~~ 39. "Mini-bar" means a closed container, either
2 refrigerated in whole or in part, or unrefrigerated, and access to
3 the interior of which is:

- 4 a. restricted by means of a locking device which requires
- 5 the use of a key, magnetic card or similar device, or
- 6 b. controlled at all times by the licensee;

7 ~~39.~~ 40. "Mixed beverage cooler" means any beverage, by whatever
8 name designated, consisting of an alcoholic beverage and fruit or
9 vegetable juice, fruit or vegetable flavorings, dairy products or
10 carbonated water containing more than one-half of one percent (1/2
11 of 1%) of alcohol measured by volume but not more than seven percent
12 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
13 packaged in a container not larger than three hundred seventy-five
14 (375) milliliters. Such term shall include but not be limited to
15 the beverage popularly known as a "wine cooler";

16 ~~40.~~ 41. "Mixed beverages" means one or more servings of a
17 beverage composed in whole or in part of an alcoholic beverage in a
18 sealed or unsealed container of any legal size for consumption on
19 the premises where served or sold by the holder of a mixed beverage,
20 beer and wine, caterer, public event, charitable event or special
21 event license; provided, that a beer, cider, or wine mixed with
22 ingredients nonalcoholic in nature including, but not limited to,
23 water, juice, sugar, fruits, or vegetables and sold by a small
24 brewer, brewpub, small farm winery, or winemaker, shall not be

1 considered a mixed beverage so long as such small brewer, brewpub,
2 small farm winery, or winemaker does not also hold an on-premises
3 beer and wine, mixed beverage, caterer, public event, or special
4 event license, if permitted by law;

5 ~~41.~~ 42. "Motion picture theater" means an establishment which
6 is licensed by Section 2-110 of this title to sell alcoholic
7 beverages by the individual drink and where motion pictures are
8 exhibited, and to which the general public is admitted;

9 ~~42.~~ 43. "Nondesignated products" means the brands of wine or
10 spirits offered for sale by a manufacturer that have not been
11 assigned to a designated wholesaler;

12 ~~43.~~ 44. "Nonresident seller" means any person licensed pursuant
13 to Section 2-135 of this title;

14 ~~44.~~ 45. "Retail salesperson" means a salesperson soliciting
15 orders from and calling upon retail alcoholic beverage stores with
16 regard to his or her product;

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

22 ~~46.~~ 47. "Original package" means any container of alcoholic
23 beverage filled and stamped or sealed by the manufacturer or brewer;

1 ~~47.~~ 48. "Package store" means any sole proprietor or
2 partnership that qualifies to sell wine, beer and/or spirits for
3 off-premises consumption and that is not a grocery store,
4 convenience store or drug store, or other retail outlet that is not
5 permitted to sell wine or beer for off-premises consumption;

6 ~~48.~~ 49. "Patron" means any person, customer or visitor who is
7 not employed by a licensee or who is not a licensee;

8 ~~49.~~ 50. "Person" means an individual, any type of partnership,
9 corporation, association, limited liability company or any
10 individual involved in the legal structure of any such business
11 entity;

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

- 20 a. allowing the presence and consumption of alcoholic
21 beverages by private parties which are closed to the
22 general public, or
- 23 b. allowing the services of a caterer serving alcoholic
24 beverages provided by a private party.

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

4 ~~51.~~ 52. "Private event" means a social gathering or event
5 attended by invited guests who share a common cause, membership,
6 business or task and have a prior established relationship. For
7 purposes of this definition, advertisement for general public
8 attendance or sales of tickets to the general public shall not
9 constitute a private event;

10 53. "Private label" means a distilled spirit, wine, or beer
11 product that is manufactured for sale or sold under an agreement
12 between a supplier or its affiliates and a retailer or its
13 affiliates directly or indirectly that bears a name or trademark
14 directly or indirectly owned by a retailer. A product shall be
15 deemed a private label if the retailer retains the authority to
16 dictate terms of production, marketing, or sales in a manner that
17 restricts availability to other market participants outside standard
18 competitive practices;

19 ~~52.~~ 54. "Public event" means any event that can be attended by
20 the general public;

21 ~~53.~~ 55. "Rectifier" means any person who rectifies, purifies or
22 refines spirits or wines by any process (other than by original and
23 continuous distillation, or original and continuous processing, from
24 mash, wort, wash or other substance, through continuous closed

vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other name;

~~54.~~ 56. "Regulation" or "rule" means a formal rule of general application promulgated by the ABLE Commission as herein required;

~~55.~~ 57. "Restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises;

~~56.~~ 58. "Retail container for spirits and wines" means an original package of any capacity approved by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;

~~57.~~ 59. "Retailer" means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premises consumption pursuant to a retail spirits license, retail wine license or retail beer license;

~~58.~~ 60. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant or employee. The term sale is also declared to be and

1 include the use or consumption in this state of any alcoholic
2 beverage obtained within or imported from without this state, upon
3 which the excise tax levied by the Oklahoma Alcoholic Beverage
4 Control Act has not been paid or exempted;

5 ~~59.~~ 61. "Seltzer" means any beverage containing more than one-
6 half of one percent (0.50%) of alcohol by volume and obtained by the
7 alcoholic fermentation of malt, rice, grain of any kind, bran,
8 glucose, sugar, or molasses and combined with carbonated water and
9 other flavoring and labeled as "beer" by the Internal Revenue Code;
10 provided, that seltzer shall not include carbonated beverages mixed
11 with wine or spirits;

12 ~~60.~~ 62. "Short-order food" means food other than full meals
13 including but not limited to sandwiches, soups and salads.
14 Provided, that popcorn, chips and other similar snack food shall not
15 be considered short-order food;

16 ~~61.~~ 63. "Small brewer" means a brewer who manufactures less
17 than sixty-five thousand (65,000) barrels of beer annually pursuant
18 to a validly issued small brewer license hereunder;

19 ~~62.~~ 64. "Small farm wine" means a wine that is produced by a
20 small farm winery with seventy-five percent (75%) or more Oklahoma-
21 grown grapes, berries, other fruits, honey or vegetables;

22 ~~63.~~ 65. "Small farm winery" means a wine-making establishment
23 that does not annually produce for sale more than fifteen thousand
24 (15,000) gallons of wine as reported on the United States Department

1 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
2 Wine Premises Operations (TTB Form 5120.17);

3 ~~64.~~ 66. "Sparkling wine" means champagne or any artificially
4 carbonated wine;

5 ~~65.~~ 67. "Special event" means an entertainment, recreation or
6 marketing event that occurs at a single location on an irregular
7 basis and at which alcoholic beverages are sold;

8 ~~66.~~ 68. "Spirits" means any beverage other than wine or beer,
9 which contains more than one-half of one percent (1/2 of 1%) alcohol
10 measured by volume, and obtained by distillation, whether or not
11 mixed with other substances in solution and includes those products
12 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
13 fortified wines and similar compounds, but shall not include any
14 alcohol liquid completely denatured in accordance with the Acts of
15 Congress and regulations pursuant thereto;

16 ~~67.~~ 69. "Strong beer" means beer which, prior to October 1,
17 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
18 Control Act, Section 1-101 et seq. of this title;

19 ~~68.~~ 70. "Successor brewer" means a primary source of supply, a
20 brewer, a cider manufacturer or an importer that acquires rights to
21 a beer or cider brand from a predecessor brewer;

22 ~~69.~~ 71. "Tax Commission" means the Oklahoma Tax Commission;

23 ~~70.~~ 72. "Territory" means a geographic region with a specified
24 boundary;

~~71.~~ 73. "Wine and spirits wholesaler" or "wine and spirits distributor" means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in this state. The term "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer to a wine and spirits wholesaler;

~~72.~~ 74. "Wine" means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine;

~~73.~~ 75. "Winemaker" means and includes any person or establishment who manufactures for human consumption any wine upon which a license fee and a tax are imposed by any law of this state;

~~74.~~ 76. "Satellite tasting room" means a licensed establishment operated off the licensed premises of the holder of a small farm winery or winemaker license, which serves wine for on-premises or off-premises consumption; and

~~75.~~ 77. "Straw testing" means the consumption of a de minimis amount of an alcoholic beverage by sanitary means by the holder of an employee license, twenty-one (21) years of age or older, to

1 determine the quality or desired flavor profile of such alcoholic
2 beverage that has been serviced, or is to be served, to a patron.

3 Words in the plural include the singular, and vice versa, and
4 words imparting the masculine gender include the feminine, as well
5 as persons and licensees as defined in this section.

6 SECTION 3. AMENDATORY 37A O.S. 2021, Section 5-132, as
7 last amended by Section 3, Chapter 90, O.S.L. 2025 (37A O.S. Supp.
8 2025, Section 5-132), is amended to read as follows:

9 Section 5-132. A. Except as provided in subsection D of this
10 section, no alcoholic beverage shall be labeled, offered or
11 advertised for sale in this state unless in accordance with rules
12 promulgated pursuant to the provisions of Section 5-130 of this
13 title and unless the brand label shall have been registered with and
14 approved by the ABLE Commission and the appropriate fee paid as
15 provided for in this section.

16 B. An application for registration of a brand label shall be
17 filed by and fees paid by the manufacturer or brewer, winemaker,
18 distiller or nonresident seller of the brand. Licensees, other than
19 the foregoing applicants, shall not be required to verify
20 registration to the ABLE Commission and shall not be penalized for
21 any applicant's failure to register its brand label in accordance
22 with this section. Cordials and wines which differ only as to age
23 or vintage year, as defined by such rules, shall be considered the
24 same brand, and those that differ as to type or class may be

1 considered the same brand by the ABLE Commission where consistent
2 with the purposes of this section.

3 C. The application for registration of a brand label shall be
4 filed on a form prescribed by the ABLE Commission, and shall contain
5 such information as the ABLE Commission shall require. Such
6 application shall be accompanied by a certified check, bank
7 officers' check or draft or money order in the amount of the annual
8 registration fee, or the properly prorated portion thereof
9 prescribed by this section.

10 D. 1. The annual fee for registration of any brand label for
11 spirits shall be Three Hundred Seventy-five Dollars (\$375.00),
12 unless total amount of spirits made available for sale in a single
13 year does not exceed fifty-three (53) gallons, in which case the
14 annual fee for registration of any brand label shall be Seventy-five
15 Dollars (\$75.00). The annual fee for registration of any brand
16 label for beer shall be Two Hundred Dollars (\$200.00). The annual
17 fee for registration of any brand label for wine made in the United
18 States, or for registration of any category of imported wine as
19 defined by the Oklahoma Tax Commission, shall be Two Hundred Dollars
20 (\$200.00). Beer manufactured in this state shall be exempt from
21 brand label registration fees.

22 2. Each brand label registered and approved pursuant to this
23 section shall be valid for a term of up to one (1) year, expiring on
24 the June 30 next following registration, and may be renewed for

1 subsequent terms of one (1) year beginning on the July 1 following
2 the initial registration. Brand registration fees for labels
3 registered after July 1 may be prorated through the following June
4 30 on a quarterly basis. The brand registration fee shall not be
5 transferable, unless otherwise allowed by law. A nonresident seller
6 who registered brands prior to May 7, 2019, may transfer brand
7 registrations to the brewer or manufacturer that produces those
8 brands, provided the brewer or manufacturer has obtained a license,
9 at no expense to the nonresident seller, brewer or manufacturer.

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

13 F. The ABLE Commission may at any time exempt any discontinued
14 brand from fee provisions of this section where a manufacturer,
15 brewer, beer distributor or wholesaler has an inventory of one
16 hundred cases or less of liquor or wine and five hundred cases or
17 less of beer, and certifies to the ABLE Commission in writing that
18 such brand is being discontinued.

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

22 A product shall be deemed a control label or a private label if
23 the retailer retains the authority to dictate terms of production,
24

1 marketing, or sales in a manner that restricts availability to other
2 market participants outside standard competitive practices.

3 H. 1. The ABLE Commission shall request information on its
4 brand registration form requiring the registrant to certify that the
5 product is neither a private nor a control label and acknowledge
6 that the product shall be available to all licensees.

7 Any brand registered for sale in Oklahoma must publicly disclose
8 the entity holding intellectual property rights and controlling
9 distribution agreements. Failure to disclose shall result in a
10 suspension of brand registration.

11 2. No retailer licensed under the Oklahoma Alcoholic Beverage
12 Control Act shall offer for sale any alcoholic beverage product that
13 is exclusively branded, labeled, or marketed under a trademark,
14 trade name, or private label owned or controlled by said retailer.
15 Any alcoholic beverage product must be available for distribution to
16 all retail licensees on a nondiscriminatory basis.

17 3. No manufacturer, wholesaler, or importer shall enter into
18 any agreement or arrangement that provides a retailer with exclusive
19 control over the branding, marketing, or availability of any
20 alcoholic beverage product. Any such arrangement shall be deemed a
21 violation of tied-house laws and subject to penalties under this
22 act.

23 4. Any retailer or supplier found in violation of the private
24 label prohibition shall be subject to fines not less than Ten

1 Thousand Dollars (\$10,000.00) per violation for a first offense,
2 with the possibility of license suspension or revocation upon
3 subsequent violations.

4 5. Any agreement wherein a retailer directs product
5 formulation, branding decisions, or exclusive sales channels shall
6 be considered a violation of tied-house laws and subject to
7 enforcement actions.

8 6. No wholesaler shall prioritize, restrict, or exclusively
9 allocate a product to a single retailer under a private brand
10 arrangement. All alcoholic beverage products must remain available
11 to all licensed retailers in a nondiscriminatory manner.

12 7. No product distributed by, but not owned by the licensed
13 wholesaler, shall be authorized to be included in the short supply
14 reports provided monthly to the ABLE Commission as required in this
15 title.

16 8. The ABLE Commission may investigate all aspects of business
17 relationships, including, but not limited to, relationships related
18 to private or control label brands, to determine the presence of
19 trade practice violations that may result from collaboration in
20 private or control label brands.

21 The ABLE Commission shall establish a process and procedures to
22 enforce the provisions of this section and address complaints.
23
24

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

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