

BILL SUMMARY
2nd Session of the 60th Legislature

Bill No.:	HB3851
Version:	INT
Request Number:	15666
Author:	Marti
Date:	2/18/2026
Impact:	Please see previous summary of this measure

Research Analysis

HB 3851, as introduced, requires any wholesaler that opts to own, operate, or maintain a website or use an online ordering platform to display an inventory list that must be updated at least once every 24 hours. Violations are subject to penalties, license suspension, or revocation. The ABLE Commission must make rules to implement and enforce this measure, including audit protocols if applicable.

The measure provides that a product will be deemed a control or a private label if the retailer retains the authority to dictate terms of production, marketing, or sales in a manner that restricts availability to other market participants outside standard competitive practices. The ABLE Commission must request information on its brand registration form requiring the registrant to certify that the product is neither a private nor a control label and acknowledge that the product is available to all licensees. Any brand registered for sale in the state must disclose the entity holding intellectual property rights and controlling distribution agreements. No retailer licensed under the Oklahoma Alcoholic Beverage Control Act must offer for sale any product that is not available for distribution on a nondiscriminatory basis. No manufacturer, wholesaler, or importer will enter any agreement or arrangement that provides a retailer exclusive control. Any retailer or supplier found in violation of this will be subject to fines with the possibility of license suspension or revocation upon subsequent violations.

Agreements where the retailer directs product formulation, branding decisions, or exclusive sales channels will also violate this. No wholesaler will allocate a product to a single retailer under a private brand arrangement. Products distributed but not owned by the wholesaler will not be authorized to be included in the monthly short supply reports. The ABLE Commission is authorized to investigate all aspects of business relationships to determine the presence of trade practice violations. The ABLE Commission will establish a process and procedure to enforce these provisions and address complaints.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.

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