

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1046

6 By: Coleman of the Senate

7 and

8 Lawson of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to alcoholic beverages; amending 37A  
11 O.S. 2021, Sections 2-101, as amended by Section 3,  
12 Chapter 338, O.S.L. 2023, and 2-161 (37A O.S. Supp.  
13 2024, Section 2-101), which relate to annual license  
14 fees and curbside pickup and delivery; defining  
15 terms; establishing certain license; providing  
16 certain requirements for license; determining certain  
17 abilities; establishing certain limits for license  
18 holders; establishing certain renewal requirements;  
19 determining certain requirements for charges;  
20 providing certain exceptions; promulgating certain  
21 enforcement; establishing certain violations;  
22 establishing certain requirements for certain  
23 applicants; requiring certain notice for certain  
24 application denials; allowing certain purchases of  
certain licenses; promulgating certain rules;  
establishing certain license fees; updating statutory  
language; updating statutory references; including  
certain licenses; permitting certain action;  
establishing certain protections for certain  
licensees; establishing certain responsibilities;  
establishing certain license privileges; requiring  
certain pricing; establishing certain limitations on  
certain delivery areas; omitting certain licensees;  
providing for codification; and providing an  
effective date.

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

2 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-101, as  
3 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,  
4 Section 2-101), is amended to read as follows:

5 Section 2-101. A. Except as otherwise provided in this  
6 section, the licenses issued by the ~~ABLE~~ Alcoholic Beverage Laws  
7 Enforcement (ABLE) Commission, and the annual fees therefor, shall  
8 be as follows:

- 9 1. Brewer License..... \$1,250.00
- 10 2. Small Brewer License..... \$125.00
- 11 3. Distiller License..... \$3,125.00
- 12 4. Winemaker License..... \$625.00
- 13 5. Small Farm Winery License..... \$75.00
- 14 6. Rectifier License..... \$3,125.00
- 15 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 16 8. Beer Distributor License..... \$750.00

17 9. The following retail spirits license fees  
18 shall be determined by the latest Federal  
19 Decennial Census:

- 20 a. Retail Spirits License for cities and  
21 towns from 200 to 2,500 population..... \$305.00
- 22 b. Retail Spirits License for cities and  
23 towns from 2,501 to 5,000 population..... \$605.00

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1	c.	Retail Spirits License for cities and	
2		towns over 5,000 population.....	\$905.00
3	10.	Retail Wine License.....	\$1,000.00
4	11.	Retail Beer License.....	\$500.00
5	12.	Mixed Beverage License.....	\$1,005.00
6			(initial license)
7			\$905.00
8			(renewal)
9	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
10	14.	On-Premises Beer and Wine License.....	\$500.00
11			(initial license)
12			\$450.00
13			(renewal)
14	15.	<del>Bottle Club License.....</del>	<del>\$1,000.00</del>
15		<del>_____</del>	<del>(initial license)</del>
16		<del>_____</del>	<del>\$900.00</del>
17		<del>_____</del>	<del>(renewal)</del>
18	<del>16.</del>	Caterer License.....	\$1,005.00
19			(initial license)
20			\$905.00
21			(renewal)
22	<del>17.</del> <u>16.</u>	Annual Special Event License.....	\$55.00
23	<del>18.</del> <u>17.</u>	Quarterly Special Event License.....	\$55.00
24	<del>19.</del> <u>18.</u>	Hotel Beverage License.....	\$1,005.00

1		(initial license)	
2			\$905.00
3		(renewal)	
4	<del>20.</del> <u>19.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
5		License.....	\$1,005.00
6		(initial license)	
7			\$905.00
8		(renewal)	
9	<del>21.</del> <u>20.</u>	Agent License.....	\$55.00
10	<del>22.</del> <u>21.</u>	Employee License.....	\$30.00
11	<del>23.</del> <u>22.</u>	Industrial License.....	\$23.00
12	<del>24.</del> <u>23.</u>	Carrier License.....	\$23.00
13	<del>25.</del> <u>24.</u>	Private Carrier License.....	\$23.00
14	<del>26.</del> <u>25.</u>	Bonded Warehouse License.....	\$190.00
15	<del>27.</del> <u>26.</u>	Storage License.....	\$23.00
16	<del>28.</del> <u>27.</u>	Nonresident Seller License .....	\$750.00
17	<del>29.</del> <u>28.</u>	Manufacturer License:	
18		a. 50 cases or less sold in Oklahoma in	
19		last calendar year.....	\$50.00
20		b. 51 to 500 cases sold in Oklahoma in	
21		last calendar year.....	\$75.00
22		c. 501 cases or more sold in Oklahoma in	
23		last calendar year.....	\$150.00
24	<del>30.</del> <u>29.</u>	Manufacturer's Agent License.....	\$55.00

1	<del>31.</del> <u>30.</u>	Sacramental Wine Supplier License.....	\$100.00
2	<del>32.</del> <u>31.</u>	Charitable Auction License.....	\$1.00
3	<del>33.</del> <u>32.</u>	Charitable Alcoholic Beverage License.....	\$55.00
4	<del>34.</del> <u>33.</u>	Winemaker Self-Distribution License:	
5	a.	produced ten thousand (10,000) gallons	
6		or less in last calendar year.....	\$350.00
7	b.	produced more than ten thousand	
8		(10,000) gallons but no more than	
9		fifteen thousand (15,000) gallons in	
10		last calendar year.....	\$750.00
11	<del>35.</del> <u>34.</u>	Annual Public Event License.....	\$1,005.00
12	<del>36.</del> <u>35.</u>	One-Time Public Event License.....	\$255.00
13	<del>37.</del> <u>36.</u>	Small Brewer Self-Distribution License:	
14	a.	produced fifteen thousand (15,000)	
15		barrels or less in last calendar year.....	\$350.00
16	b.	produced more than fifteen thousand	
17		(15,000) barrels in last calendar year.....	\$750.00
18	<del>38.</del> <u>37.</u>	Brewpub License.....	\$1,005.00
19	<del>39.</del> <u>38.</u>	Brewpub Self-Distribution License.....	\$750.00
20	<del>40.</del> <u>39.</u>	Complimentary Beverage License.....	\$75.00
21	<del>41.</del> <u>40.</u>	Satellite Tasting Room License.....	\$100.00
22	<u>41.</u>	<u>Delivery Service License.....</u>	<u>\$10,000.00</u>
23	<u>42.</u>	<u>Delivery Driver License.....</u>	<u>\$30.00</u>
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1 B. 1. There shall be added to the initial or renewal fees for  
2 a mixed beverage license an administrative fee, which shall not be  
3 deemed to be a license fee, in the amount of Five Hundred Dollars  
4 (\$500.00), which shall be paid at the same time and in the same  
5 manner as the license fees prescribed by paragraph 12 of subsection  
6 A of this section; provided, this fee shall not be assessed against  
7 service organizations or fraternal beneficiary societies which are  
8 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue  
9 Code of 1986, as amended.

10 2. There shall be added to the fee for a mixed beverage/caterer  
11 combination license an administrative fee, which shall not be deemed  
12 to be a license fee, in the amount of Two Hundred Fifty Dollars  
13 (\$250.00), which shall be paid at the same time and in the same  
14 manner as the license fee prescribed by paragraph 13 of subsection A  
15 of this section.

16 C. Notwithstanding the provisions of subsection A of this  
17 section:

18 1. The license fee for a mixed beverage or bottle club license  
19 for those service organizations or fraternal beneficiary societies  
20 which are exempt under Section 501(c)(19), (8) or (10) of the  
21 Internal Revenue Code of 1986, as amended, shall be Five Hundred  
22 Dollars (\$500.00) per year; and  
23  
24

1        2. The renewal fee for an airline/railroad/commercial passenger  
2 vessel beverage license held by a railroad described in 49 U.S.C.,  
3 Section 24301, shall be One Hundred Dollars (\$100.00).

4        D. An applicant may apply for and receive both an on-premises  
5 beer and wine license and a caterer license.

6        E. All licenses, except as otherwise provided, shall be valid  
7 for one (1) year from date of issuance unless revoked or  
8 surrendered. Provided, all employee licenses and delivery driver  
9 licenses shall be valid for two (2) years.

10       F. The holder of a license, issued by the ABLE Commission, for  
11 a bottle club located in a county of this state where the sale of  
12 alcoholic beverages by the individual drink for on-premises  
13 consumption has been authorized, may exchange the bottle club  
14 license for a mixed beverage license or an on-premises beer and wine  
15 license and operate the licensed premises as a mixed beverage  
16 establishment or an on-premises beer and wine establishment subject  
17 to the provisions of the Oklahoma Alcoholic Beverage Control Act.  
18 There shall be no additional fee for such exchange and the mixed  
19 beverage license or on-premises beer and wine license issued shall  
20 expire one (1) year from the date of issuance of the original bottle  
21 club license.

22       G. In addition to the applicable licensing fee, the following  
23 surcharge shall be assessed annually on the following licenses:

- 24       1. Nonresident Seller License..... \$2,500.00

1	2. Manufacturer License:	
2	a. 50 cases or less sold in Oklahoma in	
3	last calendar year.....	\$100.00
4	b. 51 to 500 cases sold in Oklahoma in	
5	last calendar year.....	\$225.00
6	c. 501 cases or more sold in Oklahoma in	
7	last calendar year.....	\$450.00
8	3. Wine and Spirits Wholesaler License.....	\$2,500.00
9	4. Beer Distributor.....	\$1,000.00
10	5. Retail Spirits License for cities and towns	
11	over 5,000 population.....	\$250.00
12	6. Retail Spirits License for cities and towns	
13	from 2,501 to 5,000 population.....	\$200.00
14	7. Retail Spirits License for cities and towns	
15	from 200 to 2,500 population.....	\$150.00
16	8. Retail Wine License.....	\$250.00
17	9. Retail Beer License.....	\$250.00
18	10. Mixed Beverage License.....	\$25.00
19	11. Mixed Beverage/Caterer Combination License.....	\$25.00
20	12. Caterer License.....	\$25.00
21	13. On-Premises Beer and Wine License.....	\$25.00
22	14. Annual Public Event License.....	\$25.00
23	15. Small Farm Winery License.....	\$25.00
24	16. Small Brewer License.....	\$35.00

1 17. Complimentary Beverage License..... \$25.00

2 The surcharge shall be paid concurrent with the licensee's  
3 annual licensing fee and, in addition to Five Dollars (\$5.00) of the  
4 employee license fee and Thirty Dollars (\$30.00) of the delivery  
5 driver license fee, shall be deposited in the Alcoholic Beverage  
6 Governance Revolving Fund established pursuant to Section 5-128 of  
7 this title.

8 H. Any license issued by the ABLE Commission under this title  
9 may be relied upon by other licensees as a valid license, and no  
10 other licensee shall have any obligation to independently determine  
11 the validity of such license or be held liable solely as a  
12 consequence of another licensee's failure to maintain a valid  
13 license.

14 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-161, is  
15 amended to read as follows:

16 Section 2-161. A. Retail spirit licensees may sell curbside  
17 and deliver alcoholic beverages including beer, wine, and spirits in  
18 sealed original containers to consumers aged twenty-one (21) years  
19 and older as follows:

20 1. ~~Only employees~~ Employees of the retail spirit licensee shall  
21 be permitted to make alcoholic beverage product deliveries,  
22 including curbside, to consumers. Employees licensed as delivery  
23 drivers and independent contractors of delivery service licensees  
24 shall be permitted to make alcoholic beverage product deliveries,

1 including curbside, to consumers on behalf of a retail spirit  
2 licensee;

3 2. Payment for alcoholic beverage product delivery by the  
4 retail spirit licensee may be made by cash, check, transportable  
5 credit/debit card processors or advance ~~on-line~~ online payment  
6 methods; and

7 3. The retail spirit licensee shall be responsible for his or  
8 her delivery employees as provided in Section 2-133 of ~~Title 37A of~~  
9 ~~the Oklahoma Statutes~~ this title. An action by a delivery service  
10 licensee or by a delivery driver of a delivery service licensee  
11 shall not be attributable to the retail spirit licensee with regard  
12 to:

- 13 a. providing, selling, or serving alcohol to a minor or  
14 to an intoxicated individual,
- 15 b. the delivery of alcohol in a dry or otherwise illegal  
16 area, unless the retailer has contractually agreed to  
17 retain responsibility for ensuring that deliveries are  
18 not directed to a dry or otherwise illegal area, or
- 19 c. any other provision of this title; and

20 4. A retail spirit licensee's responsibility under this title  
21 regarding delivery of alcoholic beverage products to a consumer  
22 shall be considered satisfied at the moment the retailer transfers  
23 possession of an alcoholic beverage product to the delivery service  
24 licensee or the delivery driver of a delivery service licensee.

1 B. Small brewers and small farm wineries licensed by the  
2 ~~Oklahoma ABLE~~ Alcoholic Beverage Laws Enforcement (ABLE) Commission  
3 may sell curbside only alcoholic beverages produced by such licensee  
4 in sealed original containers to consumers aged twenty-one (21)  
5 years and older as follows:

6 1. Only employees of the licensed small brewer or small farm  
7 winery shall be permitted to make alcoholic beverage product  
8 deliveries to consumers;

9 2. Payment for alcoholic beverage product delivery by licensed  
10 small brewers or small farm wineries may be made by cash, check,  
11 transportable credit/debit card processors, or advance ~~on-line~~  
12 online payment methods; and

13 3. Small brewers and small farm wineries shall be responsible  
14 for their delivery employees as provided in Section 2-133 of ~~Title~~  
15 ~~37A of the Oklahoma Statutes~~ this title.

16 C. Restaurants, bars and clubs holding mixed beverage, beer and  
17 wine, or caterer/mixed beverage licenses issued by the ~~Oklahoma ABLE~~  
18 Commission may sell curbside and deliver only closed packages of  
19 beer and wine to consumers aged twenty-one (21) years and older as  
20 follows:

21 1. ~~Only employees~~ Employees of such restaurant, bar or club  
22 licensee shall be permitted to make alcoholic beverage ~~package~~  
23 product deliveries, including curbside, to consumers. Employees  
24 licensed as delivery drivers and independent contractors of delivery

1 service licensees shall be permitted to make alcoholic beverage  
2 product deliveries, including curbside, to consumers on behalf of a  
3 restaurant, bar, or club licensee;

4 2. Payment for alcoholic beverage ~~package~~ product delivery by  
5 licensed restaurants, bars and clubs may be made by cash, check,  
6 transportable credit/debit card processors, or advance ~~on-line~~  
7 online payment methods; ~~and~~

8 3. Restaurants, bars and clubs licensed by the ~~Oklahoma~~ ABLE  
9 Commission shall be responsible for their delivery employees as  
10 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this  
11 title. An action by a delivery service licensee or a delivery  
12 driver of a delivery service licensee is not attributable to the  
13 restaurant, bar, or club with regard to:

14 a. providing, selling, or serving alcohol to a minor or  
15 to an intoxicated individual,

16 b. the delivery of alcohol in a dry or otherwise illegal  
17 area, unless the retailer has contractually agreed to  
18 retain responsibility for ensuring that deliveries are  
19 not directed to a dry or otherwise illegal area, or

20 c. any other provision of this title; and

21 4. A restaurant, bar, or club licensee's responsibility under  
22 this title regarding delivery of an alcoholic beverage product to a  
23 consumer shall be considered satisfied at the moment the retailer  
24 transfers possession of an alcoholic beverage product to the

1 delivery service licensee or the delivery driver of a delivery  
2 service licensee.

3 D. Grocery and convenience stores holding a retail beer and/or  
4 retail wine license issued by the ~~Oklahoma~~ ABLE Commission may sell  
5 curbside and deliver original sealed containers of beer and/or wine  
6 only according to the license held to consumers aged twenty-one (21)  
7 years and older as follows:

8 1. ~~Only employees~~ Employees of such licensed grocery or  
9 convenience store shall be permitted to make alcoholic beverage  
10 product deliveries, including curbside, to consumers. Employees  
11 licensed as delivery drivers and independent contractors of delivery  
12 service licensees shall be permitted to make alcoholic beverage  
13 product deliveries, including curbside, to consumers on behalf of a  
14 grocery or convenience store licensee;

15 2. Payment for alcoholic beverage product delivery by a  
16 licensed grocery or convenience store may be made by cash, check,  
17 transportable credit/debit card processors or advance ~~on-line~~ online  
18 payment methods; ~~and~~

19 3. Grocery and convenience store licensees shall be responsible  
20 for their delivery employees as provided in Section 2-133 of ~~Title~~  
21 ~~37A of the Oklahoma Statutes~~ this title. An action by a delivery  
22 service licensee or a delivery driver of a delivery service licensee  
23 shall not be attributable to the grocery or convenience store  
24 licensee with regard to:

- 1           a. providing, selling, or serving alcohol to a minor or  
2           to an intoxicated individual,  
3           b. the delivery of alcohol in a dry or otherwise illegal  
4           area, unless the retailer has contractually agreed to  
5           retain responsibility for ensuring that deliveries are  
6           not directed to a dry or otherwise illegal area, or  
7           c. any other provision of this title; and

8           4. A grocery or convenience store licensee's responsibility  
9           under this title regarding delivery of an alcoholic beverage product  
10           to a consumer shall be considered satisfied at the moment the  
11           retailer transfers possession of an alcoholic beverage product to  
12           the delivery service licensee or the delivery driver of a delivery  
13           service licensee.

14           ~~E. Licensees authorized by this section to make alcoholic~~  
15           ~~beverage product deliveries to consumers are prohibited from~~  
16           ~~utilizing third-party vendors or delivery services for purposes of~~  
17           ~~completing such product deliveries to consumers.~~

18           ~~F.~~ Licensees authorized by this section to make alcoholic  
19           beverage product deliveries to consumers shall comply with the laws,  
20           rules, procedures and executive orders incumbent on such licensee.

21           ~~G.~~ F. The ~~Oklahoma~~ ABLE Commission is authorized to promulgate  
22           rules, regulations, forms and procedures necessary to implement and  
23           enforce the provisions of this section.

1        ~~H.~~ G. For purposes of this section each delivery authorized by  
2 a licensee to be made by his or her employee shall be deemed a  
3 direct hand-to-hand sale as though the consumer was physically  
4 present on the licensed premises and authorized by law by such  
5 licensee.

6        H. Notwithstanding any law or rule to the contrary, a delivery  
7 service licensee or a delivery driver of a delivery service  
8 licensee, in accordance with Section 3 of this act, may transport  
9 and deliver alcoholic beverage products, including curbside, from a  
10 retailer or a restaurant, bar, or club holding a mixed beverage,  
11 beer and wine, or caterer/mixed beverage license, or a grocery or  
12 convenience store holding a retail beer or retail wine license, to a  
13 consumer twenty-one (21) years of age or older for the consumer's  
14 personal use and not for resale.

15        I. Employees licensed as delivery drivers and independent  
16 contractors of delivery service licensees of licensed grocery stores  
17 or convenience stores shall be permitted to make alcoholic beverage  
18 product deliveries to a consumer twenty-one (21) years of age or  
19 older for the consumer's personal use and not for resale.

20        J. A delivery service licensee or a delivery driver of a  
21 delivery service licensee who is authorized by law and by  
22 contractual agreement with a retailer or a restaurant, bar, or club  
23 holding a mixed beverage, beer and wine, or caterer/mixed beverage  
24 license to deliver alcoholic beverage products to a consumer shall be

1 liable for violations of alcoholic beverage laws or administrative  
2 rules of the ABLE Commission, affecting his or her license privilege  
3 to deliver alcoholic beverage products to consumers.

4 K. A retailer or a restaurant, bar, or club holding a mixed  
5 beverage, beer and wine, caterer/mixed beverage, or grocery or  
6 convenience store licensee:

7 1. Is not required to verify that the delivery service licensee  
8 or the delivery driver of a delivery service licensee has received  
9 delivery driver training or a delivery driver license under this act;  
10 and

11 2. Shall not be liable for any reason under this title or  
12 statutory or common law for the actions of a delivery service  
13 licensee or a delivery driver of a delivery service licensee.

14 L. Notwithstanding any law or rule to the contrary:

15 1. Pricing for alcoholic beverage products delivered in  
16 accordance with this act shall meet the minimum markup requirements  
17 in accordance with Section 3-118 of this title, prior to any  
18 additional charges or delivery or service fees;

19 2. All sales of alcoholic beverage products shall be delivered  
20 and sold in accordance with Section 6-103 of this title;

21 3. Delivered alcoholic beverage products shall not be discounted  
22 below the price in the retailer's licensed premises; and

1       4. Delivery service licensees shall be prohibited from  
2 discriminating between any retailers or groups of retailers in  
3 advertising, fees, and costs of online search results.

4       M. 1. In any county with a population of sixty-five thousand  
5 (65,000) or less according to the most recent Federal Decennial  
6 Census, any delivery service licensee or delivery driver of a  
7 delivery service licensee engaged in an authorized delivery shall  
8 only do so within fifteen (15) miles from the location of the  
9 licensed premises of the retailer.

10       2. In any county with a population greater than sixty-five  
11 thousand (65,000) according to the most recent Federal Decennial  
12 Census, any delivery service licensee or delivery driver of a deliver  
13 service licensee engaged in an authorized delivery shall only do so  
14 within five (5) miles from the location of the licensed premises of  
15 the retailer.

16       N. A delivery service licensee shall not:

17       1. Have any ownership interest in a wine and spirits wholesaler  
18 license, a beer distributor license, or any manufacturer license  
19 under this title;

20       2. Have any ownership interest in a brewer license, small brewer  
21 license, distiller license, winemaker license, small farm winery  
22 license, rectifier license, or nonresident seller license; or

23       3. Engage in central warehousing.

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1       O. Any delivery of alcoholic beverage products conducted by a  
2 delivery service licensee or by a delivery driver of a delivery  
3 service licensee shall only be done from the premises of the retail  
4 licensee.

5       SECTION 3.       NEW LAW       A new section of law to be codified  
6 in the Oklahoma Statutes as Section 2-161.1 of Title 37A, unless  
7 there is created a duplication in numbering, reads as follows:

8       A. For the purposes of this section, "retail licensee" or  
9 "retailer" means a retailer or a restaurant, bar, or club holding a  
10 mixed beverage, beer and wine, or caterer/mixed beverage license, or  
11 a grocery or convenience store holding a retail beer or retail wine  
12 license.

13       B. Any individual, limited liability company, corporation, or  
14 partnership that is registered to do business in this state,  
15 regardless of the residency of the ownership of the entity, may  
16 apply for and be issued a delivery service license that authorizes  
17 the licensee to deliver alcoholic beverages from a retailer licensed  
18 by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell  
19 alcoholic beverage products to any person in this state who is  
20 twenty-one (21) years of age or older for the individual's personal  
21 use and not for resale.

22       C. To receive a delivery service license, an applicant shall:

- 23       1. File an application with the ABLE Commission;
- 24

1        2. Provide to the ABLE Commission a sample contract that the  
2 applicant intends to enter into with a retail licensee for the  
3 delivery of alcoholic beverage products, unless the applicant is the  
4 holder of a retail license or operates under the same parent company  
5 as the retail license holder;

6        3. Submit to the ABLE Commission an outline of internal or  
7 external training for delivery driver licensees that addresses  
8 topics including, but not limited to, identifying underage persons,  
9 intoxicated persons, and fake or altered identification;

10       4. Provide an attestation that the applicant is twenty-one (21)  
11 years of age or older and has not been convicted of a felony in any  
12 state or federal court;

13       5. Provide proof of a general liability insurance policy in an  
14 amount not less than One Million Dollars (\$1,000,000.00) per  
15 occurrence; and

16       6. Be properly registered to conduct business in this state.

17       D. A delivery service licensee:

18       1. May contract with any retail licensee for the purpose of  
19 delivering alcoholic beverage products;

20       2. May use its own delivery driver licensees who are twenty-one  
21 (21) years of age and older to deliver such alcoholic beverage  
22 products, provided such delivery drivers have a valid delivery  
23 driver license, and shall not have been convicted of any criminal  
24 offense related to alcoholic beverages. The delivery service

1 licensee shall complete a criminal history record check on each  
2 delivery driver licensee who delivers alcoholic beverage products,  
3 and shall submit to the ABLE Commission an outline of internal or  
4 external training for delivery driver licensees, provided that such  
5 training is approved by the ABLE Commission;

6 3. May facilitate orders by telephone, Internet, or other  
7 electronic means for the sale and delivery of alcoholic beverage  
8 products. If payment is not received at the time of the order, the  
9 delivery service licensee may act as an agent of the retail licensee  
10 in the collection of payment from the sale of alcoholic beverage  
11 products, but the full amount of each order must be handled in a  
12 manner that gives the retail licensee control over the ultimate  
13 receipt of the payment from the consumer with the retail licensee  
14 operating as the merchant of record. The retail licensee shall  
15 remain responsible for the proper remittance of all applicable taxes  
16 on the sale of the product;

17 4. Shall deliver only sealed containers of alcoholic beverage  
18 products;

19 5. Shall obtain from the consumer a confirmation that he or she  
20 is twenty-one (21) years of age or older at the time the order is  
21 placed;

22 6. Shall require the recipient, at the time of delivery, to  
23 provide valid photo identification verifying that he or she is  
24 twenty-one (21) years of age or older, and sign for the delivery;

1 7. Shall possess identification scanning software technology or  
2 a state-of-the-art alternative at the point of delivery to  
3 authenticate that the recipient is twenty-one (21) years of age or  
4 older, and collect the recipient's name and date of birth;

5 8. Shall return all alcoholic beverage products to the retail  
6 licensee if the recipient is under twenty-one (21) years of age,  
7 appears intoxicated, fails to provide proof of identification, fails  
8 or refuses to sign for delivery, fails to complete the  
9 identification verification process, declines to accept the delivery  
10 of an alcoholic beverage product, or if any circumstances in the  
11 delivery environment indicate illegal conduct, overconsumption, or  
12 any otherwise unsafe environment for the consumption of alcohol.  
13 Such return shall occur on the same business day;

14 9. May not deliver any alcoholic beverage product to any person  
15 located within a dry jurisdiction in this state;

16 10. Shall pick up alcoholic beverage products for delivery only  
17 during lawful sales hours in that jurisdiction for the retail  
18 licensee, provided that orders may be delivered and completed on the  
19 same day or within a reasonable time thereafter. No order shall be  
20 picked up by a delivery driver licensee after 11:00 p.m. to ensure  
21 delivery no later than midnight;

22 11. Shall permit the ABLE Commission to perform an audit of the  
23 delivery driver or delivery service licensee's records upon request  
24 and with sufficient notification;

1 12. Shall be deemed to have consented to the jurisdiction of  
2 the ABLE Commission and the courts of this state pursuant to this  
3 section and any related laws or rules; and

4 13. Shall be responsible for delivery of alcoholic beverage  
5 products pursuant to this act.

6 E. A delivery service licensee may renew his or her license  
7 with the ABLE Commission by maintaining all qualifications, paying  
8 annually a renewal fee of Ten Thousand Dollars (\$10,000.00), and  
9 providing the ABLE Commission with a copy of the current license.  
10 The annual fee for delivery service licensees shall be collected by  
11 the ABLE Commission for deposit and credit to the General Revenue  
12 Fund of this state.

13 F. 1. A delivery service licensee shall be authorized to  
14 charge the consumer a delivery fee but shall not charge, add on, or  
15 collect any portion of the amount of the retail sales price for the  
16 alcoholic beverage product from the retail licensee. A delivery  
17 driver or delivery service licensee shall not engage in the free  
18 delivery of alcoholic beverage products. Alcoholic beverage  
19 products may not be delivered under any subscription delivery plan.  
20 Any order containing alcoholic beverage products shall have an  
21 independent delivery fee of Fifteen Dollars (\$15.00) or fifteen  
22 percent (15%), whichever is greater, of the alcoholic beverage  
23 product subtotal separate and exclusive from nonalcoholic beverage  
24 product items in the delivery.

1           2. A fee shall be remitted to the ABLE Commission of One Dollar  
2 (\$1.00) for each delivery performed by a delivery driver or delivery  
3 service licensee to be apportioned as follows:

4           a. fifty cents (\$0.50) shall be deposited into the  
5 Alcoholic Beverage Governance Revolving Fund for the  
6 purpose of funding an ABLE Commission division with  
7 the sole purpose of enforcing trade practice  
8 violations, and

9           b. fifty cents (\$0.50) shall be deposited in the general  
10 fund to be used specifically for the treatment of  
11 alcoholic abuse by the Department of Mental Health and  
12 Substance Abuse Services.

13           G. Nothing in this act shall be construed to require a  
14 technology services company to obtain a delivery service license if  
15 the company does not employ or contract with delivery driver or  
16 delivery service licensees, and solely provides software or a  
17 digital network application that connects consumers and retailer  
18 licensees for the delivery of alcoholic beverage products from the  
19 retail licensee. However, the act of connecting consumers to  
20 delivery driver and delivery service licensees shall serve to grant  
21 jurisdiction to this state.

22           H. The ABLE Commission shall enforce the requirements of this  
23 section by the same administrative proceedings that apply to all  
24 other alcoholic beverage licensees.

1 I. The ABLE Commission shall enforce the requirements of this  
2 section against any delivery driver or delivery service licensee.  
3 Delivery to a minor shall be treated as furnishing alcohol to a  
4 minor and shall result in any applicable disciplinary action. The  
5 retail licensee shall not be held liable for violations that occur  
6 after transferring possession of the alcoholic beverage product to  
7 the delivery driver or delivery service licensee.

8 J. Nothing in this act shall be construed to authorize the  
9 direct shipment of alcohol, liquor, wine, or beer from any  
10 manufacturer.

11 K. No person shall use a license or exercise any privileges  
12 granted by the license except pursuant to this act.

13 L. No alcoholic beverage products shall be delivered to or left  
14 unattended at a resident or business address except for the delivery  
15 of such alcoholic beverage products in person to the purchaser  
16 confirmed to be twenty-one (21) years of age or older.

17 M. The ABLE Commission shall be authorized to promulgate rules,  
18 regulations, forms, and procedures necessary to implement and  
19 enforce the provisions of this section.

20 N. Each delivery authorized by a delivery driver or delivery  
21 service licensee to be made to a consumer shall be deemed a direct  
22 hand-to-hand sale as though the consumer was physically present on  
23 the licensed premises and authorized by such license.

24

1 O. Nothing in this section shall authorize a retail licensee to  
2 engage in central warehousing of alcoholic beverage products, nor  
3 shall it allow a delivery service licensee to purchase from a  
4 licensed wholesaler or nonresident seller for resale.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 2-161.2 of Title 37A, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. For the purposes of this section, "retail licensee" or  
9 "retailer" means a retailer or a restaurant, bar, or club holding a  
10 mixed beverage, beer and wine, or caterer/mixed beverage license, or  
11 a grocery or convenience store holding a retail beer or retail wine  
12 license.

13 B. A delivery driver or delivery service license shall  
14 authorize the delivery of alcoholic beverage products to a consumer  
15 for personal use and not for resale pursuant to this act.

16 C. Applicants for a delivery driver license shall be twenty-one  
17 (21) years of age or older. As a prerequisite to the issuance of a  
18 delivery driver license, not later than fourteen (14) days after  
19 initial licensure, a first-time applicant shall be required to have  
20 successfully completed a training program conducted by the ABLE  
21 Commission, or by another entity approved by the Commission  
22 including, but not limited to, an in-house training program  
23 conducted by the delivery service licensee. Proof of training  
24 completion shall be made available by the delivery service licensee

1 or the delivery driver licensee for inspection by the ABLE  
2 Commission. The failure of a delivery driver licensee to comply  
3 with this section may constitute a revocable offense.

4 D. In the event the ABLE Commission denies an application for a  
5 delivery driver license, the ABLE Commission shall provide written  
6 notice to the licensee or licensees the applicant provides delivery  
7 services for, if any. The notice shall be given at the time notice  
8 is provided to the applicant.

9 E. Notwithstanding any law or rule to the contrary, a delivery  
10 service licensee with training approved by the ABLE Commission may  
11 purchase delivery driver licenses on behalf of the delivery drivers  
12 and may provide such delivery drivers with such permits upon  
13 successful completion of the delivery service licensee's approved  
14 training.

15 F. The ABLE Commission shall promulgate rules necessary for the  
16 implementation of the provisions of this act.

17 SECTION 5. This act shall become effective November 1, 2025.

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