

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR
4 SENATE BILL NO. 1304

By: Coleman

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7 COMMITTEE SUBSTITUTE

8 An Act relating to alcoholic beverage licenses;
9 amending 37A O.S. 2021, Section 2-109, as amended by
10 Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp.
11 2025, Section 2-109), which relates to retail
12 spirits, wine, and beer licenses; increasing certain
tasting limits; limiting education training tasting
requirements for employees; updating statutory
references; updating statutory language; and
providing an effective date.

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

16 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, as
17 amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025,
18 Section 2-109), is amended to read as follows:

19 Section 2-109. A. A retail spirits license shall authorize the
20 holder thereof:

21 1. To purchase wine or spirits from a wine and spirits
22 wholesaler;

23 2. To purchase beer from a beer distributor or from the holder
24 of a small brewer self-distribution license;

1 3. To sell same on the licensed premises in such containers to
2 consumers for off-premises consumption only and not for resale;
3 provided, spirits, wine, and beer may be sold to charitable
4 organizations that are holders of charitable alcoholic beverage
5 auction or charitable alcoholic beverage event licenses; and

6 4. To host alcoholic beverage tastings consistent with
7 subsections D, and E, and F of this section.

8 B. A retail wine license shall authorize the holder thereof:

9 1. To purchase wine from a wine and spirits wholesaler;
10 2. To purchase wine from a small farm winemaker who is
11 permitted and has elected to self-distribute as provided in Article
12 XXVIII-A of the Oklahoma Constitution;

13 3. To sell same on the licensed premises in such containers to
14 consumers for off-premises consumption only and not for resale;
15 provided, wine may be sold to charitable organizations that are
16 holders of charitable alcoholic beverage auction or charitable
17 alcoholic beverage event licenses; and

18 4. To host an alcoholic beverage tasting, consistent with
19 subsections D and, E, and F of this section.

20 Provided, no holder of a retail wine license may sell wine with
21 alcohol beverage volume in excess of fifteen percent (15%).

22 C. A retail beer license shall authorize the holder thereof:

23 1. To purchase beer from a beer distributor;

1 2. To purchase beer from the holder of a small brewer self-
2 distribution license;

3 3. To sell same on the licensed premises in such containers to
4 consumers for off-premises consumption only and not for resale;
5 provided, beer may be sold to charitable organizations that are
6 holders of charitable alcoholic beverage auction or charitable
7 alcoholic beverage event licenses; and

8 4. To host alcoholic beverage tastings consistent with
9 subsections D and, E, and F of this section.

10 Provided, no holder of a retail beer license may sell a malt
11 beverage with alcohol beverage volume in excess of fifteen percent
12 (15%).

13 D. All tastings conducted under this section shall:

14 1. Be conducted under the direct supervision of the licensee
15 authorized to host the tasting;

16 2. Be poured by any ABLE Alcoholic Beverage Laws Enforcement
17 (ABLE) Commission licensee lawfully permitted to serve alcoholic
18 beverages, provided no wine or spirits wholesaler, beer distributor,
19 or employee of a wine or spirits wholesaler or beer distributor
20 shall be allowed to pour samples for tastings;

21 3. Use alcoholic beverages purchased by the licensee authorized
22 to host the tastings from a licensed wine and spirits wholesaler,
23 beer distributor, self-distributor, small brewer, or self-
24 distributing winery authorized to sell the same, and the licensee

1 shall pay the applicable taxes on the alcoholic beverages purchased;
2 provided, the licensee may only provide samples of alcoholic
3 beverages that its license is authorized to sell;

4 4. Be restricted to persons twenty-one (21) years of age or
5 older;

6 5. Be limited to no more than ~~one~~ (1) one and one half (1.5)
7 fluid ~~ounce~~ ounces of spirits, ~~two~~ (2) six (6) fluid ounces of wine,
8 or ~~three~~ (3) twelve (12) fluid ounces of beer per consumer per day,
9 provided that such tasting shall not exceed:

- 10 a. six separate individual beers not more than two (2)
11 ounces each,
- 12 b. six separate individual wines not more than one (1)
13 ounce each, or
- 14 c. three separate individual spirits not more than one-
15 half (0.5) ounce each; and

16 6. Be consumed on the licensed premises of the licensee
17 authorized to host the tastings or at a location other than the
18 licensed premises, provided no samples served on the licensed
19 premises shall be permitted to be removed from the licensed
20 premises.

21 E. All licensees authorized to serve samples pursuant to
22 subsection D of this section shall ensure that:

- 23 1. All samples are poured only from original sealed packaging;

1 2. Any alcoholic beverages remaining in unsealed packaging used
2 to provide samples, excluding spirits, are poured out by the end of
3 the day;

4 3. No more than ~~six~~ (6) twelve bottles of alcoholic beverages
5 are unsealed at any given time; and

6 4. No person shall remove any samples from the licensed
7 premises or location where the tasting has occurred.

8 F. 1. Retail spirits, retail wine, and retail beer licensees
9 shall be authorized to host educational alcoholic beverage training,
10 which includes tastings, for employees who are licensed to sell such
11 beverages on the licensed premises in such containers to consumers
12 for off-premises consumption only. Alcoholic beverages for training
13 purposes may be provided by wine and spirits wholesaler licensees
14 and beer distributor licensees.

15 2. All such tastings shall be ~~consumed~~ held on licensed
16 premises of the licensee authorized to host the tastings or at a
17 location other than the licensed premises, and under the direct
18 supervision of the licensee. Samples shall be poured by a licensee
19 who is lawfully permitted to serve alcoholic beverages on the
20 licensed premises in such containers to consumers for off-premises
21 consumption only in this state. Tastings shall be restricted to
22 employees who are twenty-one (21) years of age or older.
23 Participation in tastings for educational purposes may be required
24 by an employer; however, the choice to taste or consume alcoholic

1 beverages shall always be voluntary. No employee may be required to
2 taste or consume alcohol at tastings as a condition of employment.

3 3. An educational tasting of beer may consist of not more than
4 six separate individual beers ~~or~~ not more than two (2) ounces each,
5 served together at one time. No employee may sample more than a
6 total of twelve (12) fluid ounces of beer per day. An educational
7 tasting of wine may consist of not more than six separate individual
8 wines ~~or~~ not more than one (1) ounce each, served together at one
9 time. No employee may sample more than a total of six (6) fluid
10 ounces of wine per day. An educational tasting of spirits shall
11 consist ~~or~~ not more than three separate individual spirits ~~or~~ not
12 more than one-half (0.5) ounce each, served together at one time.
13 No employee may sample more than a total of one and one-half (1.5)
14 fluid ounces of spirits per day. No employee may sample more than a
15 total of twelve (12) ounces of beer, six (6) ounces of wine, or one
16 and one-half (1.5) ounces of spirits per day. Only one type of
17 alcoholic beverage of beer, wine, or spirits shall be allowed at any
18 education training tasting for employees. No combination tasting
19 shall be allowed. Employees who choose to taste an alcoholic
20 beverage but do not wish to consume the alcoholic beverage shall be
21 allowed to spit the beverage into a cup for disposal. Employees may
22 participate in educational tastings before, during, or after regular
23 business hours unless otherwise prohibited by law. All licensees
24 serving samples of beer shall ensure that all samples are poured

1 only from original sealed packaging and any alcoholic beverages
2 remaining in unsealed packaging used to provide samples, excluding
3 spirits and wine, are poured out by the end of the day. No more
4 than six bottles of alcoholic beverages may be unsealed at any given
5 time during a tasting. All packaging containing samples of wine and
6 spirits shall be clearly marked as a sample and any unused portions
7 of the sample of wine or spirits shall be resealed and retained by
8 the wine and spirits wholesaler for use at the next tasting
9 authorized ~~in~~ by this paragraph. Wine and spirits wholesaler
10 employees may transport any resealed samples of wine and spirits in
11 their vehicles. Beer, wine, and spirits samples shall not be
12 considered withdrawn from the inventory of the beer distributor or
13 wine and spirits wholesaler for purposes of the collection of the
14 excise tax on beer, wine, and spirits. Tastings offered to
15 licensees by wine and spirits wholesalers and beer distributors
16 shall not be deemed discrimination or an inducement under Section 3-
17 123 of this title.

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

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