

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR ENGROSSED

6 SENATE BILL NO. 1046

By: Coleman of the Senate

and

Lawson of the House

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10 POLICY COMMITTEE RECOMMENDATION

11 An Act relating to alcoholic beverages; amending 37A
12 O.S. 2021, Sections 2-101, as amended by Section 3,
13 Chapter 338, O.S.L. 2023, and 2-161 (37A O.S. Supp.
14 2024, Section 2-101), which relate to annual license
15 fees and curbside pickup and delivery; defining
16 terms; establishing certain license; providing
17 certain requirements for license; providing that a
18 certain amount of a certain license fee is to be
19 deposited into the Alcohol Abuse Revolving Fund;
20 determining certain abilities; establishing certain
21 limits for license holders; establishing certain
22 renewal requirements; determining certain
23 requirements for charges; providing certain
24 exceptions; promulgating certain enforcement;
establishing certain violations; establishing certain
requirements for certain applicants; requiring
certain notice for certain 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; creating the

1 Alcohol Abuse Revolving Fund; providing for
2 codification; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

20 9. The following retail spirits license fees
21 shall be determined by the latest Federal
22 Decennial Census:

- 23 a. Retail Spirits License for cities and
24 towns from 200 to 2,500 population..... \$305.00

1	b.	Retail Spirits License for cities and	
2		towns from 2,501 to 5,000 population.....	\$605.00
3	c.	Retail Spirits License for cities and	
4		towns over 5,000 population.....	\$905.00
5	10.	Retail Wine License.....	\$1,000.00
6	11.	Retail Beer License.....	\$500.00
7	12.	Mixed Beverage License.....	\$1,005.00
8			(initial license)
9			\$905.00
10			(renewal)
11	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
12	14.	On-Premises Beer and Wine License.....	\$500.00
13			(initial license)
14			\$450.00
15			(renewal)
16	15.	Bottle Club License.....	\$1,000.00
17			(initial license)
18			\$900.00
19			(renewal)
20	16.	Caterer License.....	\$1,005.00
21			(initial license)
22			\$905.00
23			(renewal)
24	17. <u>16.</u>	Annual Special Event License.....	\$55.00

1	18. <u>17.</u>	Quarterly Special Event License.....	\$55.00
2	19. <u>18.</u>	Hotel Beverage License.....	\$1,005.00
3			(initial license)
4			\$905.00
5			(renewal)
6	20. <u>19.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
7		License.....	\$1,005.00
8			(initial license)
9			\$905.00
10			(renewal)
11	21. <u>20.</u>	Agent License.....	\$55.00
12	22. <u>21.</u>	Employee License.....	\$30.00
13	23. <u>22.</u>	Industrial License.....	\$23.00
14	24. <u>23.</u>	Carrier License.....	\$23.00
15	25. <u>24.</u>	Private Carrier License.....	\$23.00
16	26. <u>25.</u>	Bonded Warehouse License.....	\$190.00
17	27. <u>26.</u>	Storage License.....	\$23.00
18	28. <u>27.</u>	Nonresident Seller License	\$750.00
19	29. <u>28.</u>	Manufacturer License:	
20		a. 50 cases or less sold in Oklahoma in	
21		last calendar year.....	\$50.00
22		b. 51 to 500 cases sold in Oklahoma in	
23		last calendar year.....	\$75.00
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1	c.	501 cases or more sold in Oklahoma in	
2		last calendar year.....	\$150.00
3	30. <u>29.</u>	Manufacturer's Agent License.....	\$55.00
4	31. <u>30.</u>	Sacramental Wine Supplier License.....	\$100.00
5	32. <u>31.</u>	Charitable Auction License.....	\$1.00
6	33. <u>32.</u>	Charitable Alcoholic Beverage License.....	\$55.00
7	34. <u>33.</u>	Winemaker Self-Distribution License:	
8	a.	produced ten thousand (10,000) gallons	
9		or less in last calendar year.....	\$350.00
10	b.	produced more than ten thousand	
11		(10,000) gallons but no more than	
12		fifteen thousand (15,000) gallons in	
13		last calendar year.....	\$750.00
14	35. <u>34.</u>	Annual Public Event License.....	\$1,005.00
15	36. <u>35.</u>	One-Time Public Event License.....	\$255.00
16	37. <u>36.</u>	Small Brewer Self-Distribution License:	
17	a.	produced fifteen thousand (15,000)	
18		barrels or less in last calendar year.....	\$350.00
19	b.	produced more than fifteen thousand	
20		(15,000) barrels in last calendar year.....	\$750.00
21	38. <u>37.</u>	Brewpub License.....	\$1,005.00
22	39. <u>38.</u>	Brewpub Self-Distribution License.....	\$750.00
23	40. <u>39.</u>	Complimentary Beverage License.....	\$75.00
24	41. <u>40.</u>	Satellite Tasting Room License.....	\$100.00

1 41. Delivery Service License..... \$2,500.00

2 42. Delivery Driver License..... \$30.00

3 B. 1. There shall be added to the initial or renewal fees for
4 a mixed beverage license an administrative fee, which shall not be
5 deemed to be a license fee, in the amount of Five Hundred Dollars
6 (\$500.00), which shall be paid at the same time and in the same
7 manner as the license fees prescribed by paragraph 12 of subsection
8 A of this section; provided, this fee shall not be assessed against
9 service organizations or fraternal beneficiary societies which are
10 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
11 Code of 1986, as amended.

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

18 C. Notwithstanding the provisions of subsection A of this
19 section:

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

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 Twenty-seven Dollars (\$27.00) of the
5 delivery driver license fee, shall be deposited in the Alcoholic
6 Beverage Governance Revolving Fund established pursuant to Section
7 5-128 of 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 I. Three Dollars (\$3.00) of each delivery driver license
15 purchased pursuant to paragraph 42 of subsection A of this section
16 shall be deposited in the Alcohol Abuse Revolving Fund to be used
17 specifically for the treatment of alcohol abuse by the Department of
18 Mental Health and Substance Abuse Services.

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

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

1 1. ~~Only employees~~ Employees of the retail ~~spirit~~ spirits
2 licensee shall be permitted to make alcoholic beverage product
3 deliveries, including curbside, to consumers. Employees licensed as
4 delivery drivers and independent contractors of delivery service
5 licensees shall be permitted to make alcoholic beverage product
6 deliveries, including curbside, to consumers on behalf of a retail
7 spirits licensee;

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

12 3. The retail ~~spirit~~ spirits licensee shall be responsible for
13 his or her delivery employees as provided in Section 2-133 of ~~Title~~
14 ~~37A of the Oklahoma Statutes~~ this title. An action by a delivery
15 service licensee or by a delivery driver of a delivery service
16 licensee shall not be attributable to the retail spirits licensee
17 with regard to:

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

1 4. A retail spirits licensee's responsibility under this title
2 regarding delivery of alcoholic beverage products to a consumer
3 shall be considered satisfied at the moment the retailer transfers
4 possession of an alcoholic beverage product to the delivery service
5 licensee or the delivery driver of a delivery service licensee.

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

11 1. Only employees of the licensed small brewer or small farm
12 winery shall be permitted to make alcoholic beverage product
13 deliveries to consumers;

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

18 3. Small brewers and small farm wineries shall be responsible
19 for their delivery employees as provided in Section 2-133 of ~~Title~~
20 ~~37A of the Oklahoma Statutes~~ this title.

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

3 1. ~~Only employees~~ Employees of such restaurant, bar or club
4 licensee shall be permitted to make alcoholic beverage ~~package~~
5 product deliveries, including curbside, to consumers. Employees
6 licensed as delivery drivers and independent contractors of delivery
7 service licensees shall be permitted to make alcoholic beverage
8 product deliveries, including curbside, to consumers on behalf of a
9 restaurant, bar, or club licensee;

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

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

20 a. providing, selling, or serving alcohol to a minor or
21 to an intoxicated individual,

22 b. the delivery of alcohol in a dry or otherwise illegal
23 area, unless the retailer has contractually agreed to

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1 retain responsibility for ensuring that deliveries are
2 not directed to a dry or otherwise illegal area, or
3 c. any other provision of this title; and

4 4. A restaurant, bar, or club licensee's responsibility under
5 this title regarding delivery of an alcoholic beverage product to a
6 consumer shall be considered satisfied at the moment the retailer
7 transfers possession of an alcoholic beverage product to the
8 delivery service licensee or the delivery driver of a delivery
9 service licensee.

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

15 1. ~~Only employees~~ Employees of such licensed grocery or
16 convenience store shall be permitted to make alcoholic beverage
17 product deliveries, including curbside, to consumers. Employees
18 licensed as delivery drivers and independent contractors of delivery
19 service licensees shall be permitted to make alcoholic beverage
20 product deliveries, including curbside, to consumers on behalf of a
21 grocery or convenience store licensee;

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

3 3. Grocery and convenience store licensees shall be responsible
4 for their delivery employees as provided in Section 2-133 of ~~Title~~
5 ~~37A of the Oklahoma Statutes~~ this title. An action by a delivery
6 service licensee or a delivery driver of a delivery service licensee
7 shall not be attributable to the grocery or convenience store
8 licensee with regard to:

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

16 4. A grocery or convenience store licensee's responsibility
17 under this title regarding delivery of an alcoholic beverage product
18 to a consumer shall be considered satisfied at the moment the
19 retailer transfers possession of an alcoholic beverage product to
20 the delivery service licensee or the delivery driver of a delivery
21 service licensee.

22 E. ~~Licensees authorized by this section to make alcoholic~~
23 ~~beverage product deliveries to consumers are prohibited from~~

24

1 ~~utilizing third party vendors or delivery services for purposes of~~
2 ~~completing such product deliveries to consumers.~~

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

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

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

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

23 I. Employees licensed as delivery drivers and independent
24 contractors of delivery service licensees of licensed grocery stores

1 or convenience stores shall be permitted to make alcoholic beverage
2 product deliveries to a consumer twenty-one (21) years of age or
3 older for the consumer's personal use and not for resale.

4 J. A delivery service licensee or a delivery driver of a
5 delivery service licensee who is authorized by law and by
6 contractual agreement with a retailer or a restaurant, bar, or club
7 holding a mixed beverage, beer and wine, or caterer/mixed beverage
8 license to deliver alcoholic beverage products to a consumer shall be
9 liable for violations of alcoholic beverage laws or administrative
10 rules of the ABLE Commission, affecting his or her license privilege
11 to deliver alcoholic beverage products to consumers.

12 K. A retailer or a restaurant, bar, or club holding a mixed
13 beverage, beer and wine, caterer/mixed beverage, or grocery or
14 convenience store licensee:

15 1. Is not required to verify that the delivery service licensee
16 or the delivery driver of a delivery service licensee has received
17 delivery driver training or a delivery driver license under this act;
18 and

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

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

23 1. Pricing for alcoholic beverage products delivered in
24 accordance with this act shall meet the minimum markup requirements

1 in accordance with Section 3-118 of this title, prior to any
2 additional charges or delivery or service fees;

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

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

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

10 M. Any delivery service licensee engaged in authorized delivery
11 shall only do so within the county the licensed premises is located,
12 and any immediately contiguous county sharing a county line border
13 with the licensee's home county where the license is held.

14 N. A delivery service licensee shall not:

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

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

21 3. Engage in central warehousing.

22 O. Any delivery of alcoholic beverage products conducted by a
23 delivery service licensee or by a delivery driver of a delivery

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1 service licensee shall only be done from the premises of the retail
2 licensee.

3 P. Delivery service licensees and technology services companies
4 facilitating the sale of alcoholic beverages under Section 2-162 of
5 this title shall comply with the trade practice and illegal
6 inducement laws found in Section 3-123 of this title, as well as any
7 applicable administrative rules promulgated pursuant to Section 3-
8 123 of this title, and any applicable provisions of Chapter 27 of
9 the Code of Federal Regulations.

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

13 A. For the purposes of this section, "retail licensee" or
14 "retailer" means a retailer or a restaurant, bar, or club holding a
15 mixed beverage, beer and wine, or caterer/mixed beverage license, or
16 a grocery or convenience store holding a retail beer or retail wine
17 license.

18 B. Any individual, limited liability company, corporation, or
19 partnership that is registered to do business in this state,
20 regardless of the residency of the ownership of the entity, may
21 apply for and be issued a delivery service license that authorizes
22 the licensee to deliver alcoholic beverages from a retailer licensed
23 by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell
24 alcoholic beverage products to any person in this state who is

1 twenty-one (21) years of age or older for the individual's personal
2 use and not for resale.

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

4 1. File an application with the ABLE Commission;

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

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

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

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

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

21 D. A delivery service licensee:

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

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1 2. May use its own delivery driver licensees who are twenty-one
2 (21) years of age and older to deliver such alcoholic beverage
3 products, provided such delivery drivers have a valid delivery
4 driver license, and shall not have been convicted of any criminal
5 offense related to alcoholic beverages. The delivery service
6 licensee shall complete a criminal history record check on each
7 delivery driver licensee who delivers alcoholic beverage products,
8 and shall submit to the ABLE Commission an outline of internal or
9 external training for delivery driver licensees, provided that such
10 training is approved by the ABLE Commission;

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

22 4. Shall deliver only sealed containers of alcoholic beverage
23 products;

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

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

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

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

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

22 10. Shall pick up alcoholic beverage products for delivery only
23 during lawful sales hours in that jurisdiction for the retail
24 licensee, provided that orders may be delivered and completed on the

1 same day or within a reasonable time thereafter. No order shall be
2 picked up by a delivery driver licensee after 11:00 p.m. to ensure
3 delivery no later than midnight;

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

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

10 13. Shall be responsible for delivery of alcoholic beverage
11 products pursuant to this act.

12 E. A delivery service licensee may renew his or her license
13 with the ABLE Commission by maintaining all qualifications, paying
14 annually a renewal fee of Two Thousand Five Hundred Dollars
15 (\$2,500.00), and providing the ABLE Commission with a copy of the
16 current license. The annual fee for delivery service licensees
17 shall be collected by the ABLE Commission for deposit and credit to
18 the General Revenue Fund of this state.

19 F. A delivery service licensee shall be authorized to charge a
20 delivery fee but shall not charge, add on, or collect any portion of
21 the amount of the retail sales price for the alcoholic beverage
22 product from the retail licensee. A delivery driver or delivery
23 service licensee shall not engage in the free delivery of alcoholic
24 beverage products.

1 G. Nothing in this act shall be construed to require a
2 technology services company to obtain a delivery service license if
3 the company does not employ or contract with delivery driver or
4 delivery service licensees, and solely provides software or a
5 digital network application that connects consumers and retailer
6 licensees for the delivery of alcoholic beverage products from the
7 retail licensee. However, the act of connecting consumers to
8 delivery driver and delivery service licensees shall serve to grant
9 jurisdiction to this state.

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

13 I. The ABLE Commission shall enforce the requirements of this
14 section against any delivery driver or delivery service licensee.
15 Delivery to a minor shall be treated as furnishing alcohol to a
16 minor and shall result in any applicable disciplinary action. The
17 retail licensee shall not be held liable for violations that occur
18 after transferring possession of the alcoholic beverage product to
19 the delivery driver or delivery service licensee.

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

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

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

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

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

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

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

19 A. For the purposes of this section, "retail licensee" or
20 "retailer" means a retailer or a restaurant, bar, or club holding a
21 mixed beverage, beer and wine, or caterer/mixed beverage license, or
22 a grocery or convenience store holding a retail beer or retail wine
23 license.

24

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

4 C. Applicants for a delivery driver license shall be twenty-one
5 (21) years of age or older. As a prerequisite to the issuance of a
6 delivery driver license, a first-time applicant shall be required to
7 have successfully completed a training program conducted by the ABLE
8 Commission, or by another entity approved by the Commission
9 including, but not limited to, an in-house training program
10 conducted by the delivery service licensee. Proof of training
11 completion shall be made available by the delivery service licensee
12 or the delivery driver licensee for inspection by the ABLE
13 Commission. The failure of a delivery driver licensee to comply
14 with this section may constitute a revocable offense.

15 D. In the event the ABLE Commission denies an application for a
16 delivery driver license, the ABLE Commission shall provide written
17 notice to the licensee or licensees the applicant provides delivery
18 services for, if any. The notice shall be given at the time notice
19 is provided to the applicant.

20 E. Notwithstanding any law or rule to the contrary, a delivery
21 service licensee with training approved by the ABLE Commission may
22 purchase delivery driver licenses on behalf of the delivery drivers
23 and may provide such delivery drivers with such permits upon
24

1 successful completion of the delivery service licensee's approved
2 training.

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

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1001 of Title 43A, unless there
7 is created a duplication in numbering, reads as follows:

8 There is hereby created in the State Treasury a revolving fund
9 for the Department of Mental Health and Substance Abuse Services to
10 be designated the "Alcohol Abuse Revolving Fund". The fund shall be
11 a continuing fund, not subject to fiscal year limitations, and shall
12 consist of all monies received by the Department from appropriations
13 or other monies directed to the fund. All monies accruing to the
14 credit of the fund are hereby appropriated and may be budgeted and
15 expended by the Department to carry out the provisions of Section 1
16 of this act. Expenditures from the fund shall be made upon warrants
17 issued by the State Treasurer against claims filed as prescribed by
18 law with the Director of the Office of Management and Enterprise
19 Services for approval and payment.

20 SECTION 6. This act shall become effective November 1, 2025.

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