

1 ENGROSSED SENATE
2 BILL NO. 1046

By: Coleman of the Senate

and

Lawson of the House

[alcoholic beverages - license fees and curbside
pickup and delivery - license - limits - requirements
- exceptions - enforcement - violations - notice -
rules - protections - responsibilities - privileges -
pricing - codification - effective date]

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

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

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

- 19 1. Brewer License..... \$1,250.00
- 20 2. Small Brewer License..... \$125.00
- 21 3. Distiller License..... \$3,125.00
- 22 4. Winemaker License..... \$625.00
- 23 5. Small Farm Winery License..... \$75.00
- 24 6. Rectifier License..... \$3,125.00

- 1 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 2 8. Beer Distributor License..... \$750.00
- 3 9. The following retail spirits license fees
- 4 shall be determined by the latest Federal
- 5 Decennial Census:
- 6 a. Retail Spirits License for cities and
- 7 towns from 200 to 2,500 population..... \$305.00
- 8 b. Retail Spirits License for cities and
- 9 towns from 2,501 to 5,000 population..... \$605.00
- 10 c. Retail Spirits License for cities and
- 11 towns over 5,000 population..... \$905.00
- 12 10. Retail Wine License..... \$1,000.00
- 13 11. Retail Beer License..... \$500.00
- 14 12. Mixed Beverage License..... \$1,005.00
- 15 (initial license)
- 16 \$905.00
- 17 (renewal)
- 18 13. Mixed Beverage/Caterer Combination License..... \$1,250.00
- 19 14. On-Premises Beer and Wine License..... \$500.00
- 20 (initial license)
- 21 \$450.00
- 22 (renewal)
- 23 15. ~~Bottle Club License..... \$1,000.00~~
- 24 ~~_____ (initial license)~~

1		_____	\$900.00
2		_____	(renewal)
3	16.	Caterer License.....	\$1,005.00
4			(initial license)
5			\$905.00
6			(renewal)
7	17. <u>16.</u>	Annual Special Event License.....	\$55.00
8	18. <u>17.</u>	Quarterly Special Event License.....	\$55.00
9	19. <u>18.</u>	Hotel Beverage License.....	\$1,005.00
10			(initial license)
11			\$905.00
12			(renewal)
13	20. <u>19.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
14		License.....	\$1,005.00
15			(initial license)
16			\$905.00
17			(renewal)
18	21. <u>20.</u>	Agent License.....	\$55.00
19	22. <u>21.</u>	Employee License.....	\$30.00
20	23. <u>22.</u>	Industrial License.....	\$23.00
21	24. <u>23.</u>	Carrier License.....	\$23.00
22	25. <u>24.</u>	Private Carrier License.....	\$23.00
23	26. <u>25.</u>	Bonded Warehouse License.....	\$190.00
24	27. <u>26.</u>	Storage License.....	\$23.00

1	28. <u>27.</u>	Nonresident Seller License	\$750.00
2	29. <u>28.</u>	Manufacturer License:	
3	a.	50 cases or less sold in Oklahoma in	
4		last calendar year.....	\$50.00
5	b.	51 to 500 cases sold in Oklahoma in	
6		last calendar year.....	\$75.00
7	c.	501 cases or more sold in Oklahoma in	
8		last calendar year.....	\$150.00
9	30. <u>29.</u>	Manufacturer's Agent License.....	\$55.00
10	31. <u>30.</u>	Sacramental Wine Supplier License.....	\$100.00
11	32. <u>31.</u>	Charitable Auction License.....	\$1.00
12	33. <u>32.</u>	Charitable Alcoholic Beverage License.....	\$55.00
13	34. <u>33.</u>	Winemaker Self-Distribution License:	
14	a.	produced ten thousand (10,000) gallons	
15		or less in last calendar year.....	\$350.00
16	b.	produced more than ten thousand	
17		(10,000) gallons but no more than	
18		fifteen thousand (15,000) gallons in	
19		last calendar year.....	\$750.00
20	35. <u>34.</u>	Annual Public Event License.....	\$1,005.00
21	36. <u>35.</u>	One-Time Public Event License.....	\$255.00
22	37. <u>36.</u>	Small Brewer Self-Distribution License:	
23	a.	produced fifteen thousand (15,000)	
24		barrels or less in last calendar year.....	\$350.00

b. produced more than fifteen thousand
(15,000) barrels in last calendar year..... \$750.00

38. <u>37.</u>	Brewpub License.....	\$1,005.00
39. <u>38.</u>	Brewpub Self-Distribution License.....	\$750.00
40. <u>39.</u>	Complimentary Beverage License.....	\$75.00
41. <u>40.</u>	Satellite Tasting Room License.....	\$100.00
<u>41.</u>	<u>Delivery Service License.....</u>	<u>\$10,000.00</u>
<u>42.</u>	<u>Delivery Driver License.....</u>	<u>\$30.00</u>

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

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

1 C. Notwithstanding the provisions of subsection A of this
2 section:

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

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

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

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

17 F. The holder of a license, issued by the ABLE Commission, for
18 a bottle club located in a county of this state where the sale of
19 alcoholic beverages by the individual drink for on-premises
20 consumption has been authorized, may exchange the bottle club
21 license for a mixed beverage license or an on-premises beer and wine
22 license and operate the licensed premises as a mixed beverage
23 establishment or an on-premises beer and wine establishment subject
24 to the provisions of the Oklahoma Alcoholic Beverage Control Act.

1 There shall be no additional fee for such exchange and the mixed
2 beverage license or on-premises beer and wine license issued shall
3 expire one (1) year from the date of issuance of the original bottle
4 club license.

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

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

- 1 10. Mixed Beverage License..... \$25.00
- 2 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 3 12. Caterer License..... \$25.00
- 4 13. On-Premises Beer and Wine License..... \$25.00
- 5 14. Annual Public Event License..... \$25.00
- 6 15. Small Farm Winery License..... \$25.00
- 7 16. Small Brewer License..... \$35.00
- 8 17. Complimentary Beverage License..... \$25.00

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

15 H. Any license issued by the ABLE Commission under this title
 16 may be relied upon by other licensees as a valid license, and no
 17 other licensee shall have any obligation to independently determine
 18 the validity of such license or be held liable solely as a
 19 consequence of another licensee's failure to maintain a valid
 20 license.

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

23 Section 2-161. A. Retail spirit licensees may sell curbside
 24 and deliver alcoholic beverages including beer, wine, and spirits in

1 sealed original containers to consumers aged twenty-one (21) years
2 and older as follows:

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

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

14 3. The retail spirit licensee shall be responsible for his or
15 her delivery employees as provided in Section 2-133 of ~~Title 37A of~~
16 ~~the Oklahoma Statutes~~ this title. An action by a delivery service
17 licensee or by a delivery driver of a delivery service licensee
18 shall not be attributable to the retail spirit licensee with regard
19 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
24

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 retail spirit licensee's responsibility under this title
5 regarding delivery of alcoholic beverage products to a consumer
6 shall be considered satisfied at the moment the retailer transfers
7 possession of an alcoholic beverage product to the delivery service
8 licensee or the delivery driver of a delivery service licensee.

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

14 1. Only employees of the licensed small brewer or small farm
15 winery shall be permitted to make alcoholic beverage product
16 deliveries to consumers;

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

21 3. Small brewers and small farm wineries shall be responsible
22 for their delivery employees as provided in Section 2-133 of ~~Title~~
23 ~~37A of the Oklahoma Statutes~~ this title.

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

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

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

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

23 a. providing, selling, or serving alcohol to a minor or
24 to an intoxicated individual,

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

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

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

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

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

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

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

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

1 E. ~~Licensees authorized by this section to make alcoholic~~
2 ~~beverage product deliveries to consumers are prohibited from~~
3 ~~utilizing third party vendors or delivery services for purposes of~~
4 ~~completing such product deliveries to consumers.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 M. 1. In any county with a population of sixty-five thousand
13 (65,000) or less according to the most recent Federal Decennial
14 Census, any delivery service licensee or delivery driver of a
15 delivery service licensee engaged in an authorized delivery shall
16 only do so within fifteen (15) miles from the location of the
17 licensed premises of the retailer.

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

24 N. A delivery service licensee shall not:

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

4 2. Have any ownership interest in a brewer license, small brewer
5 license, distiller license, winemaker license, small farm winery
6 license, rectifier license, or nonresident seller license; or

7 3. Engage in central warehousing.

8 0. Any delivery of alcoholic beverage products conducted by a
9 delivery service licensee or by a delivery driver of a delivery
10 service licensee shall only be done from the premises of the retail
11 licensee.

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

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

20 B. Any individual, limited liability company, corporation, or
21 partnership that is registered to do business in this state,
22 regardless of the residency of the ownership of the entity, may
23 apply for and be issued a delivery service license that authorizes
24 the licensee to deliver alcoholic beverages from a retailer licensed

1 by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell
2 alcoholic beverage products to any person in this state who is
3 twenty-one (21) years of age or older for the individual's personal
4 use and not for resale.

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

6 1. File an application with the ABLE Commission;

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

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

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

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

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

23 D. A delivery service licensee:
24

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

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

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

24

1 4. Shall deliver only sealed containers of alcoholic beverage
2 products;

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

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

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

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

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

24

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

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

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

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

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

22 F. 1. A delivery service licensee shall be authorized to
23 charge the consumer a delivery fee but shall not charge, add on, or
24 collect any portion of the amount of the retail sales price for the

1 alcoholic beverage product from the retail licensee. A delivery
2 driver or delivery service licensee shall not engage in the free
3 delivery of alcoholic beverage products. Alcoholic beverage
4 products may not be delivered under any subscription delivery plan.
5 Any order containing alcoholic beverage products shall have an
6 independent delivery fee of Fifteen Dollars (\$15.00) or fifteen
7 percent (15%), whichever is greater, of the alcoholic beverage
8 product subtotal separate and exclusive from nonalcoholic beverage
9 product items in the delivery.

10 2. A fee shall be remitted to the ABLE Commission of One Dollar
11 (\$1.00) for each delivery performed by a delivery driver or delivery
12 service licensee to be apportioned as follows:

13 a. fifty cents (\$0.50) shall be deposited into the
14 Alcoholic Beverage Governance Revolving Fund for the
15 purpose of funding an ABLE Commission division with
16 the sole purpose of enforcing trade practice
17 violations, and

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

22 G. Nothing in this act shall be construed to require a
23 technology services company to obtain a delivery service license if
24 the company does not employ or contract with delivery driver or

1 delivery service licensees, and solely provides software or a
2 digital network application that connects consumers and retailer
3 licensees for the delivery of alcoholic beverage products from the
4 retail licensee. However, the act of connecting consumers to
5 delivery driver and delivery service licensees shall serve to grant
6 jurisdiction to this state.

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

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

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

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

22 L. No alcoholic beverage products shall be delivered to or left
23 unattended at a resident or business address except for the delivery
24

1 of such alcoholic beverage products in person to the purchaser
2 confirmed to be twenty-one (21) years of age or older.

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

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

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

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

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

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

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

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

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

24

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

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

4 Passed the Senate the 27th day of March, 2025.

5

6

Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2025.

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Presiding Officer of the House
of Representatives

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