

1 **SENATE FLOOR VERSION**

2 March 6, 2025

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL NO. 1046

By: Coleman of the Senate

and

Lawson of the House

6
7
8
9 [alcoholic beverages - license fees and curbside
10 pickup and delivery - license - limits - requirements
11 - exceptions - enforcement - violations - notice -
12 rules - protections - responsibilities - privileges -
13 pricing - codification - effective date]

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

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

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

- 22 1. Brewer License..... \$1,250.00
23 2. Small Brewer License..... \$125.00
24 3. Distiller License..... \$3,125.00

1	4.	Winemaker License.....	\$625.00
2	5.	Small Farm Winery License.....	\$75.00
3	6.	Rectifier License.....	\$3,125.00
4	7.	Wine and Spirits Wholesaler License.....	\$3,000.00
5	8.	Beer Distributor License.....	\$750.00
6	9.	The following retail spirits license fees	
7		shall be determined by the latest Federal	
8		Decennial Census:	
9	a.	Retail Spirits License for cities and	
10		towns from 200 to 2,500 population.....	\$305.00
11	b.	Retail Spirits License for cities and	
12		towns from 2,501 to 5,000 population.....	\$605.00
13	c.	Retail Spirits License for cities and	
14		towns over 5,000 population.....	\$905.00
15	10.	Retail Wine License.....	\$1,000.00
16	11.	Retail Beer License.....	\$500.00
17	12.	Mixed Beverage License.....	\$1,005.00
18			(initial license)
19			\$905.00
20			(renewal)
21	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
22	14.	On-Premises Beer and Wine License.....	\$500.00
23			(initial license)
24			\$450.00

1		(renewal)	
2	15.	Bottle Club License.....	\$1,000.00
3		_____ (initial license)	
4		_____ \$900.00	
5		_____ (renewal)	
6	16.	Caterer License.....	\$1,005.00
7		_____ (initial license)	
8		_____ \$905.00	
9		_____ (renewal)	
10	17. <u>16.</u>	Annual Special Event License.....	\$55.00
11	18. <u>17.</u>	Quarterly Special Event License.....	\$55.00
12	19. <u>18.</u>	Hotel Beverage License.....	\$1,005.00
13		_____ (initial license)	
14		_____ \$905.00	
15		_____ (renewal)	
16	20. <u>19.</u>	Airline/Railroad/Commercial Passenger Vessel Beverage	
17		License.....	\$1,005.00
18		_____ (initial license)	
19		_____ \$905.00	
20		_____ (renewal)	
21	21. <u>20.</u>	Agent License.....	\$55.00
22	22. <u>21.</u>	Employee License.....	\$30.00
23	23. <u>22.</u>	Industrial License.....	\$23.00
24	24. <u>23.</u>	Carrier License.....	\$23.00

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

1 ~~37.~~ 36. Small Brewer Self-Distribution License:

- 2 a. produced fifteen thousand (15,000)
- 3 barrels or less in last calendar year..... \$350.00
- 4 b. produced more than fifteen thousand
- 5 (15,000) barrels in last calendar year..... \$750.00

6 ~~38.~~ 37. Brewpub License..... \$1,005.00

7 ~~39.~~ 38. Brewpub Self-Distribution License..... \$750.00

8 ~~40.~~ 39. Complimentary Beverage License..... \$75.00

9 ~~41.~~ 40. Satellite Tasting Room License..... \$100.00

10 41. Delivery Service License..... \$10,000.00

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

12 B. 1. There shall be added to the initial or renewal fees for

13 a mixed beverage license an administrative fee, which shall not be

14 deemed to be a license fee, in the amount of Five Hundred Dollars

15 (\$500.00), which shall be paid at the same time and in the same

16 manner as the license fees prescribed by paragraph 12 of subsection

17 A of this section; provided, this fee shall not be assessed against

18 service organizations or fraternal beneficiary societies which are

19 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue

20 Code of 1986, as amended.

21 2. There shall be added to the fee for a mixed beverage/caterer

22 combination license an administrative fee, which shall not be deemed

23 to be a license fee, in the amount of Two Hundred Fifty Dollars

24 (\$250.00), which shall be paid at the same time and in the same

1 manner as the license fee prescribed by paragraph 13 of subsection A
2 of this section.

3 C. Notwithstanding the provisions of subsection A of this
4 section:

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

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

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

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

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

1 establishment or an on-premises beer and wine establishment subject
2 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
3 There shall be no additional fee for such exchange and the mixed
4 beverage license or on-premises beer and wine license issued shall
5 expire one (1) year from the date of issuance of the original bottle
6 club license.

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

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

- 1 8. Retail Wine License..... \$250.00
- 2 9. Retail Beer License..... \$250.00
- 3 10. Mixed Beverage License..... \$25.00
- 4 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 5 12. Caterer License..... \$25.00
- 6 13. On-Premises Beer and Wine License..... \$25.00
- 7 14. Annual Public Event License..... \$25.00
- 8 15. Small Farm Winery License..... \$25.00
- 9 16. Small Brewer License..... \$35.00
- 10 17. Complimentary Beverage License..... \$25.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 3. Restaurants, bars and clubs licensed by the ~~Oklahoma~~ ABLE
21 Commission shall be responsible for their delivery employees as
22 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this
23 title. An action by a delivery service licensee or a delivery
24

1 driver of a delivery service licensee is not attributable to the
2 restaurant, bar, or club with regard to:

3 a. providing, selling, or serving alcohol to a minor or
4 to an intoxicated individual,

5 b. the delivery of alcohol in a dry or otherwise illegal
6 area, unless the retailer has contractually agreed to
7 retain responsibility for ensuring that deliveries are
8 not directed to a dry or otherwise illegal area, or

9 c. any other provision of this title; and

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

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

21 1. ~~Only employees~~ Employees of such licensed grocery or
22 convenience store shall be permitted to make alcoholic beverage
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 grocery or convenience store licensee;

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

8 3. Grocery and convenience store licensees shall be responsible
9 for their delivery employees as provided in Section 2-133 of ~~Title~~
10 ~~37A of the Oklahoma Statutes~~ this title. An action by a delivery
11 service licensee or a delivery driver of a delivery service licensee
12 shall not be attributable to the grocery or convenience store
13 licensee 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 grocery or convenience store licensee's responsibility
22 under this title regarding delivery of an alcoholic beverage product
23 to a consumer shall be considered satisfied at the moment the
24 retailer transfers possession of an alcoholic beverage product to

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

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

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

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

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

18 H. Notwithstanding any law or rule to the contrary, a delivery
19 service licensee or a delivery driver of a delivery service
20 licensee, in accordance with Section 3 of this act, may transport
21 and deliver alcoholic beverage products, including curbside, from a
22 retailer or a restaurant, bar, or club holding a mixed beverage,
23 beer and wine, or caterer/mixed beverage license, or a grocery or
24 convenience store holding a retail beer or retail wine license, to a

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

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

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

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

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

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

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

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

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

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

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

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

22 2. In any county with a population greater than sixty-five
23 thousand (65,000) according to the most recent Federal Decennial
24 Census, any delivery service licensee or delivery driver of a deliver

1 service licensee engaged in an authorized delivery shall only do so
2 within five (5) miles from the location of the licensed premises of
3 the retailer.

4 N. A delivery service licensee shall not:

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

8 2. Have any ownership interest in a brewer license, small brewer
9 license, distiller license, winemaker license, small farm winery
10 license, rectifier license, or nonresident seller license; or

11 3. Engage in central warehousing.

12 O. Any delivery of alcoholic beverage products conducted by a
13 delivery service licensee or by a delivery driver of a delivery
14 service licensee shall only be done from the premises of the retail
15 licensee.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2-161.1 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.

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

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

11 1. File an application with the ABLE Commission;

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

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

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

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

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

5 D. A delivery service licensee:

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

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

18 3. May facilitate orders by telephone, Internet, or other
19 electronic means for the sale and delivery of alcoholic beverage
20 products. If payment is not received at the time of the order, the
21 delivery service licensee may act as an agent of the retail licensee
22 in the collection of payment from the sale of alcoholic beverage
23 products, but the full amount of each order must be handled in a
24 manner that gives the retail licensee control over the ultimate

1 receipt of the payment from the consumer with the retail licensee
2 operating as the merchant of record. The retail licensee shall
3 remain responsible for the proper remittance of all applicable taxes
4 on the sale of the product;

5 4. Shall deliver only sealed containers of alcoholic beverage
6 products;

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

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

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

17 8. Shall return all alcoholic beverage products to the retail
18 licensee if the recipient is under twenty-one (21) years of age,
19 appears intoxicated, fails to provide proof of identification, fails
20 or refuses to sign for delivery, fails to complete the
21 identification verification process, declines to accept the delivery
22 of an alcoholic beverage product, or if any circumstances in the
23 delivery environment indicate illegal conduct, overconsumption, or

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1 any otherwise unsafe environment for the consumption of alcohol.

2 Such return shall occur on the same business day;

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

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

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

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

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

19 E. A delivery service licensee may renew his or her license
20 with the ABLE Commission by maintaining all qualifications, paying
21 annually a renewal fee of Ten Thousand Dollars (\$10,000.00), and
22 providing the ABLE Commission with a copy of the current license.
23 The annual fee for delivery service licensees shall be collected by
24

1 the ABLE Commission for deposit and credit to the General Revenue
2 Fund of this state.

3 F. 1. A delivery service licensee shall be authorized to
4 charge the consumer a delivery fee but shall not charge, add on, or
5 collect any portion of the amount of the retail sales price for the
6 alcoholic beverage product from the retail licensee. A delivery
7 driver or delivery service licensee shall not engage in the free
8 delivery of alcoholic beverage products. Alcoholic beverage
9 products may not be delivered under any subscription delivery plan.
10 Any order containing alcoholic beverage products shall have an
11 independent delivery fee of Fifteen Dollars (\$15.00) or fifteen
12 percent (15%), whichever is greater, of the alcoholic beverage
13 product subtotal separate and exclusive from nonalcoholic beverage
14 product items in the delivery.

15 2. A fee shall be remitted to the ABLE Commission of One Dollar
16 (\$1.00) for each delivery performed by a delivery driver or delivery
17 service licensee to be apportioned as follows:

18 a. fifty cents (\$0.50) shall be deposited into the
19 Alcoholic Beverage Governance Revolving Fund for the
20 purpose of funding an ABLE Commission division with
21 the sole purpose of enforcing trade practice
22 violations, and

23 b. fifty cents (\$0.50) shall be deposited in the general
24 fund to be used specifically for the treatment of

1 alcoholic abuse by the Department of Mental Health and
2 Substance Abuse Services.

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

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

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

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

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

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

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

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

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

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

21 A. For the purposes of this section, "retail licensee" or
22 "retailer" means a retailer or a restaurant, bar, or club holding a
23 mixed beverage, beer and wine, or caterer/mixed beverage license, or
24

1 a grocery or convenience store holding a retail beer or retail wine
2 license.

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

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

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

23 E. Notwithstanding any law or rule to the contrary, a delivery
24 service licensee with training approved by the ABLE Commission may

1 purchase delivery driver licenses on behalf of the delivery drivers
2 and may provide such delivery drivers with such permits upon
3 successful completion of the delivery service licensee's approved
4 training.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
9 March 6, 2025 - DO PASS AS AMENDED BY CS

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