

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2092

By: Paxton

6 AS INTRODUCED

7 An Act relating to hemp beverages; amending 37A O.S.
8 2021, Sections 1-103, as last amended by Section 2,
9 Chapter 190, O.S.L. 2025, and 1-107 (37A O.S. Supp.
10 2025, Section 1-103), which relate to definitions and
11 Alcoholic Beverage Laws Enforcement (ABLE) Commission
12 powers and duties; defining terms; authorizing the
13 Commission to regulate hemp beverages; amending 37A
14 O.S. 2021, Section 2-109, as amended by Section 2,
15 Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025, Section
16 2-109), which relates to retail spirits licenses;
17 allowing certain licensee to sell certain hemp
18 beverages; amending 37A O.S. 2021, Section 3-101, as
19 amended by Section 498, Chapter 486, O.S.L. 2025 (37A
20 O.S. Supp. 2025, Section 3-101), which relates to
21 personal use, possession and making of alcoholic
22 beverages, and restrictions on retail sales and
23 shipping for out-of-state businesses; prohibiting the
24 sale of hemp beverages without certain license;
25 amending 37A O.S. 2021, Section 6-120, as amended by
26 Section 711, Chapter 486, O.S.L. 2025 (37A O.S. Supp.
27 2025, Section 6-120), which relates to selling,
28 furnishing, or giving alcoholic beverages to persons
29 under twenty-one years of age; prohibiting hemp
30 beverages to be sold to persons under certain age;
31 updating statutory language; and providing an
32 effective date.

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

1 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-103, as

2 last amended by Section 2, Chapter 190, O.S.L. 2025 (37A O.S. Supp.
3 2025, Section 1-103), is amended to read as follows:

4 Section 1-103. As used in the Oklahoma Alcoholic Beverage
5 Control Act:

6 1. "ABLE Commission" or "Commission" means the Alcoholic
7 Beverage Laws Enforcement Commission;

8 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
9 alcohol, ethanol or spirits of wine, from whatever source or by
10 whatever process produced. It does not include wood alcohol or
11 alcohol which has been denatured or produced as denatured in
12 accordance with Acts of Congress and regulations promulgated
13 thereunder;

14 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
15 as those terms are defined herein and also includes every liquid or
16 solid, patented or not, containing alcohol, spirits, wine or beer
17 and capable of being consumed as a beverage by human beings;

18 4. "Applicant" means any individual, legal or commercial
19 business entity, or any individual involved in any legal or
20 commercial business entity allowed to hold any license issued in
21 accordance with the Oklahoma Alcoholic Beverage Control Act;

22 5. "Beer" means any beverage containing more than one-half of
23 one percent (0.50%) of alcohol by volume and obtained by the
24 alcoholic fermentation of an infusion or decoction of barley, or

1 other grain, sugar, malt or similar products. For the purposes of
2 taxation, distribution, sales, and regulation, seltzer shall mean
3 the same as beer as provided in this section. Beer may or may not
4 contain hops or other vegetable products. Beer includes, among
5 other things, beer, ale, stout, lager beer, porter, seltzer, and
6 other malt or brewed liquors, but does not include sake, known as
7 Japanese rice wine;

8 6. "Beer keg" means any brewer-sealed, single container that
9 contains not less than four (4) gallons of beer;

10 7. "Beer distributor" means and includes any person licensed to
11 distribute beer for retail sale in this state, but does not include
12 a holder of a small brewer self-distribution license or brewpub
13 self-distribution license. The term distributor, as used in the
14 Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
15 to a beer distributor;

16 8. "Bottle club" means any establishment in a county which has
17 not authorized the retail sale of alcoholic beverages by the
18 individual drink, which is required to be licensed to keep, mix and
19 serve alcoholic beverages belonging to club members on club
20 premises;

21 9. "Bottle service" means the sale and provision of spirits in
22 their original packages by a mixed beverage licensee to be consumed
23 in that mixed beverage licensee's club suite;

1 10. "Brand" means any word, name, group of letters, symbol or
2 combination thereof, that is adopted and used by a licensed brewer
3 to identify a specific beer, wine or spirit and to distinguish that
4 product from another beer, wine or spirit;

5 11. "Brand extension" means:

6 a. after October 1, 2018, any brand of beer or cider
7 introduced by a manufacturer in this state which
8 either:

9 (1) incorporates all or a substantial part of the
10 unique features of a preexisting brand of the
11 same licensed brewer, or
12 (2) relies to a significant extent on the goodwill
13 associated with the preexisting brand, or

14 b. any brand of beer that a brewer, the majority of whose
15 total volume of all brands of beer distributed in this
16 state by such brewer on January 1, 2016, was
17 distributed as low-point beer, desires to sell,
18 introduces, begins selling or theretofore has sold and
19 desires to continue selling a strong beer in this
20 state which either:

21 (1) incorporates or incorporated all or a substantial
22 part of the unique features of a preexisting low-
23 point beer brand of the same licensed brewer, or

(2) relies or relied to a significant extent on the goodwill associated with a preexisting low-point beer brand;

12. "Brewer" means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer or cider upon which a license fee and a tax are imposed by any law of this state;

13. "Brewpub" means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;

14. "Cider" means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the manufacture of this product, cider may be manufactured by either manufacturers or brewers. For the purposes of the distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors;

15. "Club suite" means a designated area within the premises of a mixed beverage licensee designed to provide an exclusive space which is limited to a patron or patrons specifically granted access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage licensee or the public. A club suite must have a clearly designated point of access for a patron or patrons.

1 specifically granted access by the mixed beverage licensee to ensure
2 that persons present in the suite are limited to patrons
3 specifically granted access by the mixed beverage licensee and
4 employees providing services to the club suite;

5 16. "Cocktail" means a type of mixed beverage as defined in
6 Section 7-102 of this title;

7 17. "Convenience store" means any person primarily engaged in
8 retailing a limited range of general household items and groceries,
9 with extended hours of operation, whether or not engaged in retail
10 sales of automotive fuels in combination with such sales;

11 18. "Convicted" and "conviction" mean and include a finding of
12 guilt resulting from a plea of guilty or nolo contendere, the
13 decision of a court or magistrate or the verdict of a jury,
14 irrespective of the pronouncement of judgment or the suspension
15 thereof;

16 19. "Designated products" means the brands of wine or spirits
17 offered for sale by a manufacturer that the manufacturer has
18 assigned to a designated wholesaler for exclusive distribution;

19 20. "Designated wholesaler" means a wine and spirits wholesaler
20 who has been selected by a manufacturer as a wholesaler appointed to
21 distribute designated products;

22 21. "Director" means the Director of the ABLE Commission;

23 22. "Distiller" means any person who produces spirits from any
24 source or substance, or any person who brews or makes mash, wort or

1 wash, fit for distillation or for the production of spirits ~~except~~
2 except a person making or using such material in the authorized
3 production of wine or beer, or the production of vinegar by
4 ~~fermentation~~) fermentation, or any person who by any process
5 separates alcoholic spirits from any fermented substance, or any
6 person who, making or keeping mash, wort or wash, has also in his or
7 her possession or use a still;

8 23. "Distributor agreement" means the written agreement between
9 the distributor and brewer as set forth in Section 3-108 of this
10 title;

11 24. "Drug store" means a person primarily engaged in retailing
12 prescription and nonprescription drugs and medicines;

13 25. "Event venue" means any nongovernmental location, property,
14 space, premises, grounds, building or buildings, or other site that
15 offers to the general public for rent, lease, reservation, or other
16 contractual use, for the hosting of a function, occasion, or event,
17 special, private, or public, of a temporary nature. The location,
18 property, space, premises, grounds, or building or buildings defined
19 in this paragraph shall not include those owned, leased, or occupied
20 by organizations exempt from taxation pursuant to the provisions of
21 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

22 26. "Dual-strength beer" means a brand of beer that,
23 immediately prior to April 15, 2017, was being sold and distributed
24 in this state:

- a. as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect immediately prior to October 1, 2018, and
- b. as strong beer pursuant to the Oklahoma Alcoholic Beverage Control Act in effect immediately prior to October 1, 2018,

and continues to be sold and distributed as such on October 1, 2018.

Dual-strength beer does not include a brand of beer that arose as a result of a brand extension as defined in this section;

27. "Fair market value" means the value in the subject territory covered by the written agreement with the distributor or wholesaler that would be determined in an arm's length transaction entered into without duress or threat of termination of the distributor's or wholesaler's rights and shall include all elements of value, including goodwill and going-concern value;

28. "Good cause" means:

- a. failure by the distributor to comply with the material and reasonable provisions of a written agreement or understanding with the brewer, or
- b. failure by the distributor to comply with the duty of good faith;

29. "Good faith" means the duty of each party to any distributor agreement and all officers, employees or agents thereof

1 to act with honesty in fact and within reasonable standards of fair
2 dealing in the trade;

3 30. "Grocery store" means a person primarily engaged in
4 retailing a general line of food, such as canned or frozen foods,
5 fresh fruits and vegetables, and fresh and prepared meats, fish and
6 poultry;

7 31. "Hemp beverage" means any beverage that contains hemp or
8 hemp-derived ingredients including cannabinoids, extracts, or
9 derivatives;

10 32. "Hotel" or "motel" means an establishment which is licensed
11 to sell alcoholic beverages by the individual drink and which
12 contains guest room accommodations with respect to which the
13 predominant relationship existing between the occupants thereof and
14 the owner or operator of the establishment is that of innkeeper and
15 guest. For purposes of this section, the existence of other legal
16 relationships as between some occupants and the owner or operator
17 thereof shall be immaterial;

18 32. 33. "Legal newspaper" means a newspaper meeting the
19 requisites of a newspaper for publication of legal notices as
20 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
21 Statutes;

22 33. 34. "Licensee" means any person holding a license under the
23 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
24 employee of such licensee while in the performance of any act or

duty in connection with the licensed business or on the licensed premises;

34. 35. "Low-point beer" shall mean any beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion by barley or other grain, malt or similar products;

35. 36. "Manufacturer" means a distiller, winemaker, rectifier or bottler of any alcoholic beverage (other than beer) and its subsidiaries, affiliates and parent companies;

36. 37. "Manufacturer's agent" means a salaried or commissioned salesperson who is the agent authorized to act on behalf of the manufacturer or nonresident seller in this state;

37. 38. "Meals" means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered meals;

38. 39. "Mini-bar" means a closed container, either refrigerated in whole or in part, or unrefrigerated, and access to the interior of which is:

a. restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or

b. controlled at all times by the licensee;

39. 40. "Mixed beverage cooler" means any beverage, by whatever
e designated, consisting of an alcoholic beverage and fruit or
etable juice, fruit or vegetable flavorings, dairy products or
oonated water containing more than one-half of one percent (1/2
1%) of alcohol measured by volume but not more than seven percent
alcohol by volume at sixty (60) degrees Fahrenheit and which is
kaged in a container not larger than three hundred seventy-five
5) milliliters. Such term shall include but not be limited to
beverage popularly known as a "wine cooler";

40. 41. "Mixed beverages" means one or more servings of a beverage composed in whole or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license; provided, that a beer, cider, or wine mixed with ingredients nonalcoholic in nature including, but not limited to, beer, juice, sugar, fruits, or vegetables and sold by a small brewer, brewpub, small farm winery, or winemaker, shall not be considered a mixed beverage so long as such small brewer, brewpub, small farm winery, or winemaker does not also hold an on-premises beer and wine, mixed beverage, caterer, public event, or special event license, if permitted by law;

1 41. 42. "Motion picture theater" means an establishment which
2 is licensed by Section 2-110 of this title to sell alcoholic
3 beverages by the individual drink and where motion pictures are
4 exhibited, and to which the general public is admitted;

5 42. 43. "Nondesignated products" means the brands of wine or
6 spirits offered for sale by a manufacturer that have not been
7 assigned to a designated wholesaler;

8 43. 44. "Nonresident seller" means any person licensed pursuant
9 to Section 2-135 of this title;

10 44. 45. "Retail salesperson" means a salesperson soliciting
11 orders from and calling upon retail alcoholic beverage stores with
12 regard to his or her product;

13 45. 46. "Occupation" as used in connection with "occupation
14 tax" means the sites occupied as the places of business of the
15 manufacturers, brewers, wholesalers, beer distributors, retailers,
16 mixed beverage licensees, on-premises beer and wine licensees,
17 bottle clubs, caterers, public event and special event licensees;

18 46. 47. "Original package" means any container of alcoholic
19 beverage filled and stamped or sealed by the manufacturer or brewer;

20 47. 48. "Package store" means any sole proprietor or
21 partnership that qualifies to sell wine, beer and/or spirits for
22 off-premises consumption and that is not a grocery store,
23 convenience store or drug store, or other retail outlet that is not
24 permitted to sell wine or beer for off-premises consumption;

1 48. 49. "Patron" means any person, customer or visitor who is
2 not employed by a licensee or who is not a licensee;

3 49. 50. "Person" means an individual, any type of partnership,
4 corporation, association, limited liability company or any
5 individual involved in the legal structure of any such business
6 entity;

7 50. 51. "Premises" means the grounds and all buildings and
8 appurtenances pertaining to the grounds including any adjacent
9 premises if under the direct or indirect control of the licensee and
10 the rooms and equipment under the control of the licensee and used
11 in connection with or in furtherance of the business covered by a
12 license. Provided, that the ABLE Commission shall have the
13 authority to designate areas to be excluded from the licensed
14 premises solely for the purpose of:

- 15 a. allowing the presence and consumption of alcoholic
16 beverages by private parties which are closed to the
17 general public, or
- 18 b. allowing the services of a caterer serving alcoholic
19 beverages provided by a private party.

20 This exception shall in no way limit the licensee's concurrent
21 responsibility for any violations of the Oklahoma Alcoholic Beverage
22 Control Act occurring on the licensed premises;

23 51. 52. "Private event" means a social gathering or event
24 attended by invited guests who share a common cause, membership,

1 business or task and have a prior established relationship. For
2 purposes of this definition, advertisement for general public
3 attendance or sales of tickets to the general public shall not
4 constitute a private event;

5 52. 53. "Public event" means any event that can be attended by
6 the general public;

7 53. 54. "Rectifier" means any person who rectifies, purifies or
8 refines spirits or wines by any process (other than by original and
9 continuous distillation, or original and continuous processing, from
10 mash, wort, wash or other substance, through continuous closed
11 vessels and pipes, until the production thereof is complete), and
12 any person who, without rectifying, purifying or refining spirits,
13 shall by mixing (except for immediate consumption on the premises
14 where mixed) such spirits, wine or other liquor with any material,
15 manufactures any spurious, imitation or compound liquors for sale,
16 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
17 or any other name;

18 54. 55. "Regulation" or "rule" means a formal rule of general
19 application promulgated by the ABLE Commission as herein required;

20 55. 56. "Restaurant" means an establishment that is licensed to
21 sell alcoholic beverages by the individual drink for on-premises
22 consumption and where food is prepared and sold for immediate
23 consumption on the premises;

1 56. 57. "Retail container for spirits and wines" means an
2 original package of any capacity approved by the United States
3 Bureau of Alcohol, Tobacco, Firearms and Explosives;

4 57. 58. "Retailer" means a package store, grocery store,
5 convenience store or drug store licensed to sell alcoholic beverages
6 for off-premises consumption pursuant to a retail spirits license,
7 retail wine license or retail beer license;

8 58. 59. "Sale" means any transfer, exchange or barter in any
9 manner or by any means whatsoever, and includes and means all sales
10 made by any person, whether as principal, proprietor or as an agent,
11 servant or employee. The term sale is also declared to be and
12 include the use or consumption in this state of any alcoholic
13 beverage obtained within or imported from without this state, upon
14 which the excise tax levied by the Oklahoma Alcoholic Beverage
15 Control Act has not been paid or exempted;

16 59. 60. "Seltzer" means any beverage containing more than one-
17 half of one percent (0.50%) of alcohol by volume and obtained by the
18 alcoholic fermentation of malt, rice, grain of any kind, bran,
19 glucose, sugar, or molasses and combined with carbonated water and
20 other flavoring and labeled as "beer" by the Internal Revenue Code;
21 provided, that seltzer shall not include carbonated beverages mixed
22 with wine or spirits;

23 60. 61. "Short-order food" means food other than full meals
24 including but not limited to sandwiches, soups and salads.

1 Provided, that popcorn, chips and other similar snack food shall not
2 be considered short-order food;

3 61. 62. "Small brewer" means a brewer who manufactures less
4 than sixty-five thousand (65,000) barrels of beer annually pursuant
5 to a validly issued small brewer license hereunder;

6 62. 63. "Small farm wine" means a wine that is produced by a
7 small farm winery with seventy-five percent (75%) or more Oklahoma-
8 grown grapes, berries, other fruits, honey or vegetables;

9 63. 64. "Small farm winery" means a wine-making establishment
10 that does not annually produce for sale more than fifteen thousand
11 (15,000) gallons of wine as reported on the United States Department
12 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
13 Wine Premises Operations (TTB Form 5120.17);

14 64. 65. "Sparkling wine" means champagne or any artificially
15 carbonated wine;

16 65. 66. "Special event" means an entertainment, recreation or
17 marketing event that occurs at a single location on an irregular
18 basis and at which alcoholic beverages are sold;

19 66. 67. "Spirits" means any beverage other than wine or beer,
20 which contains more than one-half of one percent (1/2 of 1%) alcohol
21 measured by volume, and obtained by distillation, whether or not
22 mixed with other substances in solution and includes those products
23 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
24 fortified wines and similar compounds, but shall not include any

1 alcohol liquid completely denatured in accordance with the Acts of
2 Congress and regulations pursuant thereto;

3 ~~67.~~ 68. "Strong beer" means beer which, prior to October 1,
4 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
5 Control Act, Section 1-101 et seq. of this title;

6 ~~68.~~ 69. "Successor brewer" means a primary source of supply, a
7 brewer, a cider manufacturer or an importer that acquires rights to
8 a beer or cider brand from a predecessor brewer;

9 ~~69.~~ 70. "Tax Commission" means the Oklahoma Tax Commission;

10 ~~70.~~ 71. "Territory" means a geographic region with a specified
11 boundary;

12 ~~71.~~ 72. "Wine and spirits wholesaler" or "wine and spirits
13 distributor" means and includes any sole proprietorship or
14 partnership licensed to distribute wine and spirits in this state.

15 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
16 Control Act, shall be construed to refer to a wine and spirits
17 wholesaler;

18 ~~72.~~ 73. "Wine" means and includes any beverage containing more
19 than one-half of one percent (1/2 of 1%) alcohol by volume and not
20 more than twenty-four percent (24%) alcohol by volume at sixty (60)
21 degrees Fahrenheit obtained by the fermentation of the natural
22 contents of fruits, vegetables, honey, milk or other products
23 containing sugar, whether or not other ingredients are added, and
24 includes vermouth and sake, known as Japanese rice wine;

1 73. 74. "Winemaker" means and includes any person or
2 establishment who manufactures for human consumption any wine upon
3 which a license fee and a tax are imposed by any law of this state;

4 74. 75. "Satellite tasting room" means a licensed establishment
5 operated off the licensed premises of the holder of a small farm
6 winery or winemaker license, which serves wine for on-premises or
7 off-premises consumption; and

8 75. 76. "Straw testing" means the consumption of a de minimis
9 amount of an alcoholic beverage by sanitary means by the holder of
10 an employee license, twenty-one (21) years of age or older, to
11 determine the quality or desired flavor profile of such alcoholic
12 beverage that has been serviced, or is to be served, to a patron.

13 Words in the plural include the singular, and vice versa, and
14 words imparting the masculine gender include the feminine, as well
15 as persons and licensees as defined in this section.

16 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-107, is
17 amended to read as follows:

18 Section 1-107. A. The ABLE Commission shall have the following
19 powers and duties:

20 1. To supervise, inspect and regulate every phase of the
21 business of manufacturing, importing, exporting, transporting,
22 storing, selling, distributing and possessing for the purpose of
23 sale, all alcoholic beverages which shall be necessary and proper to

1 carry out the purposes of the Oklahoma Alcoholic Beverage Control
2 Act;

3 2. To promulgate rules, in the manner herein provided, to carry
4 out the purposes of the Oklahoma Alcoholic Beverage Control Act;

5 3. To have the sole authority to issue any license provided for
6 in the Oklahoma Alcoholic Beverage Control Act and except as
7 provided in Sections 101 and 102 of this act with respect to cities,
8 towns and counties, and except as may be provided under Title 68 of
9 the Oklahoma Statutes with respect to the Oklahoma Tax Commission,
10 no other agency, instrumentality or political subdivision of this
11 state shall be authorized to issue any license or permit allowing
12 any licensee to engage in any activity covered by the Oklahoma
13 Alcoholic Beverage Control Act anywhere within the State of
14 Oklahoma;

15 4. To refuse to issue any license provided for in the Oklahoma
16 Alcoholic Beverage Control Act for cause provided for in the
17 Oklahoma Alcoholic Beverage Control Act;

18 5. To revoke or suspend, for cause after hearing, any license
19 issued under the authority of the Oklahoma Alcoholic Beverage
20 Control Act;

21 6. To prescribe the forms of all reports which it deems
22 necessary in administering the Oklahoma Alcoholic Beverage Control
23 Act;

1 7. To fix standards not in conflict with those prescribed by
2 any law of this state or of the United States, to secure the use of
3 proper ingredients and methods of manufacture and dispensing of
4 alcoholic beverages;

5 8. To make seizures of alcoholic beverages manufactured, sold,
6 possessed, imported or transported in violation of the Oklahoma
7 Alcoholic Beverage Control Act, and apply for the confiscation
8 thereof whenever required by the Oklahoma Alcoholic Beverage Control
9 Act, and cooperate in the prosecution of offenders before any court
10 of competent jurisdiction;

11 9. To submit to the Governor and members of the State
12 Legislature annual or semiannual reports upon request of the
13 Governor;

14 10. To inspect or cause to be inspected any premises where
15 alcoholic beverages are manufactured, stored, distributed, sold,
16 dispensed or served;

17 11. In the conduct of any hearing authorized to be held by the
18 ABLE Commission:

19 a. to examine or cause to be examined, under oath, any
20 person,

21 b. to examine or cause to be examined books and records
22 of any licensee,

1 c. to hear testimony and take proof material for the ABLE
2 Commission's information and the discharge of its
3 duties hereunder,

4 d. to administer or cause to be administered oaths, and
5 e. to issue subpoenas for the attendance of witnesses and
6 the production of books or records which shall be
7 effective in any part of the state. Any district
8 court or any judge thereof, either in term or
9 vacation, may by order duly entered require the
10 attendance of witnesses and the production of relevant
11 books or records subpoenaed by the ABLE Commission,
12 and the court or judge may compel obedience to the
13 order by proceedings for contempt;

14 12. To prescribe the kind and size of retail containers of
15 alcoholic beverages which may be purchased, possessed and sold by a
16 licensee;

17 13. To prescribe by rule, in addition to those herein required,
18 the kinds of records to be kept and reports to be rendered by
19 licensees, and the information to be shown therein; provided, that
20 the period for which all such records and reports be retained shall
21 not be less than five (5) years;

22 14. To gather, compile and print such statistical data as may
23 in the opinion of the ABLE Commission be needed or useful, and
24 prescribe charges or fees to be collected from any person or company

1 to whom such data shall be provided. No reports shall contain sales
2 information by name or license number;

3 15. To educate persons employed by licensees to sell or serve
4 alcoholic beverages as to the provisions of Article XXVIIIA of the
5 Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control
6 Act, with emphasis on recognizing and preventing intoxication and
7 particular emphasis on those provisions prohibiting the selling or
8 serving of alcoholic beverages to minors. The ABLE Commission may
9 contract with one or more entities, including but not limited to the
10 Oklahoma Department of Mental Health and Substance Abuse Services,
11 to perform the duties specified in this paragraph;

12 16. To purchase motor vehicles necessary for use in its
13 operations. Such motor vehicles shall not be required to have any
14 type of identifying marking thereon;

15 17. To purchase insurance on the motor vehicles owned and
16 operated by the ABLE Commission in accordance with statutory
17 provisions, subject to the approval of the Risk Management
18 Administrator as provided for in Section 85.58A of Title 74 of the
19 Oklahoma Statutes;

20 18. To approve or reject any official bond required to be filed
21 with the ABLE Commission; and

22 19. To exercise all other powers and duties conferred by the
23 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,
24 convenient or necessary to enable it to administer or carry out any

1 of the provisions of the Oklahoma Alcoholic Beverage Control Act;
2 and

3 20. To supervise, inspect and regulate the business of hemp
4 beverages.

5 B. The ABLE Commission shall promulgate rules, pursuant to the
6 Administrative Procedures Act, to carry out the purposes of the
7 Oklahoma Alcoholic Beverage Control Act.

8 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-109, as
9 amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2025,
10 Section 2-109), is amended to read as follows:

11 Section 2-109. A. A retail spirits license shall authorize the
12 holder thereof:

13 1. To purchase wine or spirits from a wine and spirits
14 wholesaler;

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

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

22 4. To host alcoholic beverage tastings consistent with
23 subsections D and E of this section; and

24 5. To sell hemp beverages.

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

2 1. To purchase wine from a wine and spirits wholesaler;

3 2. To purchase wine from a small farm winemaker who is

4 permitted and has elected to self-distribute as provided in Article
5 XXVIII-A of the Oklahoma Constitution;

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

11 4. To host an alcoholic beverage tasting, consistent with
12 subsections D and E of this section.

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

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

16 1. To purchase beer from a beer distributor;

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

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

1 4. To host alcoholic beverage tastings consistent with
2 subsections D and E of this section.

3 Provided, no holder of a retail beer license may sell a malt
4 beverage with alcohol beverage volume in excess of fifteen percent
5 (15%).

6 D. All tastings conducted under this section shall:

7 1. Be conducted under the direct supervision of the licensee
8 authorized to host the tasting;

9 2. Be poured by any ABLE Commission licensee lawfully permitted
10 to serve alcoholic beverages, provided no wine or spirits
11 wholesaler, beer distributor or employee of a wine or spirits
12 wholesaler or beer distributor shall be allowed to pour samples for
13 tastings;

14 3. Use alcoholic beverages purchased by the licensee authorized
15 to host the tastings from a licensed wine and spirits wholesaler,
16 beer distributor, self-distributor, small brewer or self-
17 distributing winery authorized to sell the same, and the licensee
18 shall pay the applicable taxes on the alcoholic beverages purchased;
19 provided, the licensee may only provide samples of alcoholic
20 beverages that its license is authorized to sell;

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

1 5. Be limited to no more than one (1) fluid ounce of spirits,
2 two (2) fluid ounces of wine or three (3) fluid ounces of beer per
3 consumer per day; and

4 6. Be consumed on the licensed premises of the licensee
5 authorized to host the tastings or at a location other than the
6 licensed premises, provided no samples served on the licensed
7 premises shall be permitted to be removed from the licensed
8 premises.

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

11 1. All samples are poured only from original sealed packaging;
12 2. Any alcoholic beverages remaining in unsealed packaging used
13 to provide samples, excluding spirits, are poured out by the end of
14 the day;

15 3. No more than six (6) bottles of alcoholic beverages are
16 unsealed at any given time; and

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

19 F. 1. Retail spirits, retail wine, and retail beer licensees
20 shall be authorized to host educational alcoholic beverage training,
21 which includes tastings, for employees who are licensed to sell such
22 beverages on the licensed premises in such containers to consumers
23 for off-premises consumption only. Alcoholic beverages for training

1 purposes may be provided by wine and spirits wholesaler licensees
2 and beer distributor licensees.

3 2. All such tastings shall be consumed on licensed premises of
4 the licensee authorized to host the tastings or at a location other
5 than the licensed premises, and under the direct supervision of the
6 licensee. Samples shall be poured by a licensee who is lawfully
7 permitted to serve alcoholic beverages on the licensed premises in
8 such containers to consumers for off-premises consumption only in
9 this state. Tastings shall be restricted to employees who are
10 twenty-one (21) years of age or older. Participation in tastings
11 for educational purposes may be required by an employer; however,
12 the choice to taste or consume alcoholic beverages shall always be
13 voluntary. No employee may be required to taste or consume alcohol
14 at tastings as a condition of employment.

15 3. An educational tasting of beer may consist of not more than
16 six separate individual beers of not more than two (2) ounces each,
17 served together at one time. No employee may sample more than a
18 total of twelve (12) fluid ounces of beer per day. An educational
19 tasting of wine may consist of not more than six separate individual
20 wines of not more than one (1) ounce each, served together at one
21 time. No employee may sample more than a total of six (6) fluid
22 ounces of wine per day. An educational tasting of spirits shall
23 consist of not more than three separate individual spirits of not
24 more than one-half (0.5) ounce each, served together at one time.

1 No employee may sample more than a total of one and one-half (1.5)
2 fluid ounces of spirits per day. No employee may sample more than a
3 total of twelve (12) ounces of beer, six (6) ounces of wine, or one
4 and one-half (1.5) ounces of spirits per day. Only one type of
5 alcoholic beverage of beer, wine, or spirits shall be allowed at any
6 education training tasting. No combination tasting shall be
7 allowed. Employees who choose to taste an alcoholic beverage but do
8 not wish to consume the alcoholic beverage shall be allowed to spit
9 the beverage into a cup for disposal. Employees may participate in
10 educational tastings before, during, or after regular business hours
11 unless otherwise prohibited by law. All licensees serving samples
12 of beer shall ensure that all samples are poured only from original
13 sealed packaging and any alcoholic beverages remaining in unsealed
14 packaging used to provide samples, excluding spirits and wine, are
15 poured out by the end of the day. No more than six bottles of
16 alcoholic beverages may be unsealed at any given time during a
17 tasting. All packaging containing samples of wine and spirits shall
18 be clearly marked as a sample and any unused portions of the sample
19 of wine or spirits shall be resealed and retained by the wine and
20 spirits wholesaler for use at the next tasting authorized in this
21 paragraph. Wine and spirits wholesaler employees may transport any
22 resealed samples of wine and spirits in their vehicles. Beer, wine,
23 and spirits samples shall not be considered withdrawn from the
24 inventory of the beer distributor or wine and spirits wholesaler for

1 purposes of the collection of the excise tax on beer, wine, and
2 spirits. Tastings offered to licensees by wine and spirits
3 wholesalers and beer distributors shall not be deemed discrimination
4 or an inducement under Section 3-123 of this title.

5 SECTION 4. AMENDATORY 37A O.S. 2021, Section 3-101, as
6 amended by Section 498, Chapter 486, O.S.L. 2025 (37A O.S. Supp.
7 2025, Section 3-101), is amended to read as follows:

8 Section 3-101. A. No person shall manufacture, rectify, sell,
9 possess, store, import into or export from this state, transport or
10 deliver any alcoholic ~~beverage~~ beverages or hemp beverages except as
11 specifically provided in the Oklahoma Alcoholic Beverage Control
12 Act. Provided, that nothing herein shall prevent the possession and
13 transportation of alcoholic beverages for the personal use of the
14 possessor and his or her family and guests, so long as the Oklahoma
15 excise tax has been paid thereon, except for beer. Provided,
16 further, that nothing herein in this section shall prevent a person
17 from making beer, cider or wine, by simple fermentation and without
18 distillation for personal use if the maker of such beverages has
19 first applied for and possesses a valid personal use permit issued
20 by the ABLE Commission and the total volume of beer, cider or wine
21 produced in any given calendar year is less than two hundred (200)
22 gallons. No beverages made pursuant to a personal use permit shall
23 be sold or offered for sale.

1 B. 1. Any duly licensed physician or dentist may possess and
2 use alcoholic beverages in the strict practice of the profession and
3 any hospital or other institution caring for sick or diseased
4 persons may possess and use alcoholic beverages for the treatment of
5 bona fide patients of such hospital or institution. Any drugstore
6 employing a licensed pharmacist may possess and use alcoholic
7 beverages in the preparation of prescriptions of duly licensed
8 physicians.

9 2. The possession, transportation and dispensation of wine by
10 any authorized representative of any church for the conducting of a
11 bona fide rite or religious ceremony conducted by such church shall
12 not be prohibited by the Oklahoma Alcoholic Beverage Control Act;
13 nor shall such act prevent the sale, shipping or delivery of
14 sacramental wine by any person holding a sacramental wine supplier
15 license issued pursuant to the Oklahoma Alcoholic Beverage Control
16 Act to any religious corporation or society of this state holding a
17 valid exemption from taxation issued pursuant to Section 501(a) of
18 the Internal Revenue Code, 1954, and listed as an exempt
19 organization in Section 501(c) (3) of the Internal Revenue Code,
20 1954, of the United States, as amended.

21 3. Provided further, that nothing in the Oklahoma Alcoholic
22 Beverage Control Act shall prevent the possession, transportation
23 and sale of alcoholic beverages within military reservations and in
24 accordance with the laws and rules governing such military

1 reservations, provided that the Oklahoma excise tax has been paid on
2 such beverages.

3 C. 1. Except as otherwise authorized by law, it is unlawful
4 for any brewer, manufacturer, wine and spirits wholesaler, beer
5 distributor or retailer of alcoholic beverages, located and doing
6 business from outside this state, to make retail sales of alcoholic
7 beverages to purchasers located in this state or to ship alcoholic
8 beverages sold at retail to persons located in this state. Any
9 person who engages in the sale or shipping of alcoholic beverages or
10 hemp beverages in violation of the provisions of this subsection,
11 upon conviction, shall be guilty of a Class D1 felony offense
12 punishable by imprisonment as provided for in subsections B through
13 F of Section 20N of Title 21 of the Oklahoma Statutes, if the sale
14 or delivery is made to a person under twenty-one (21) years of age,
15 or a misdemeanor, if the sale or delivery is made to a person
16 twenty-one (21) years of age or older.

17 2. The fine for a violation of this subsection shall be not
18 more than Five Thousand Dollars (\$5,000.00).

19 3. In addition, if the person holds a license issued by the
20 ABLE Commission, the license shall be revoked pursuant to Section 60
21 of this act.

22 D. All brewers, importers, brokers and others who sell beer or
23 cider to licensed beer distributors in Oklahoma or manufacturers,
24 importers, brokers and others who sell cider to licensed beer

1 distributors in Oklahoma, regardless of whether such sales are
2 consummated within or without the state, must obtain a license, as
3 the case may be, in order to sell beer or cider intended for
4 consumption within ~~the State of Oklahoma~~ this state.

5 SECTION 5. AMENDATORY 37A O.S. 2021, Section 6-120, as
6 amended by Section 711, Chapter 486, O.S.L. 2025 (37A O.S. Supp.
7 2025, Section 6-120), is amended to read as follows:

8 Section 6-120. A. Any person who shall sell, furnish or give
9 alcoholic ~~beverage~~ beverages or hemp beverages to a person under
10 twenty-one (21) years of age shall be guilty of a misdemeanor for a
11 first violation, and upon conviction shall be fined not more than
12 Five Hundred Dollars (\$500.00), or imprisoned in the county jail for
13 not more than one (1) year, or by both such fine and imprisonment.
14 Any person convicted of a second or subsequent violation shall be
15 guilty of a Class D3 felony offense, and shall be fined not less
16 than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than
17 Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in
18 subsections B through F of Section 20P of Title 21 of the Oklahoma
19 Statutes, or by both such fine and imprisonment. The ABLE
20 Commission shall revoke the license of any person convicted of a
21 violation of this section.

22 B. Any person convicted of a violation pursuant to subsection A
23 of this section shall be required to attend a victims impact panel
24

1 program, as defined in Section 991a of Title 22 of the Oklahoma
2 Statutes.

3 SECTION 6. This act shall become effective November 1, 2026.

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