

# An Act

ENROLLED SENATE  
BILL NO. 115

By: Bergstrom of the Senate

and

McEntire of the House

An Act relating to alcohol licenses; amending Sections 30, 31 and 50, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Sections 2-118, 2-119 and 2-138), which relate to airline/railroad beverage licenses; adding commercial vessel license; modifying language; requiring alcoholic beverage purchases from licensed wholesaler and beer distributors; excluding certain commercial vessel operation from excise tax exemption; and declaring an emergency.

SUBJECT: Alcohol licenses

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

SECTION 1. AMENDATORY Section 30, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 2-118), is amended to read as follows:

Section 2-118. A. An airline/railroad/commercial vessel beverage license shall authorize the holder thereof:

1. To sell or serve alcoholic beverages in or from any size container on a commercial passenger airplane, vessel or railroad operated in compliance with a valid license, permit or certificate issued under the authority of the United States or this state or its instrumentality, even though the airplane, vessel or train, in the course of its travel, may cross an area in which the sale of alcoholic beverages by the individual drink is not authorized; and

2. To store alcoholic beverages in sealed containers of any size at any airport, facility or station regularly served by the licensee, in accordance with rules promulgated by the ABLE Commission.

B. Alcoholic beverages purchased by the holder of an airline/railroad license from the holder of a wholesaler license or beer distributor license shall be presumed to be purchased for consumption outside the State of Oklahoma or in interstate commerce, and shall be exempt from the excise tax provided ~~for~~ in Section ~~104 of this act~~ 5-101 of this title. A commercial vessel operating solely on the waterways within this state shall purchase alcoholic beverages from the holder of a wholesaler license or beer distributor license and shall not be exempt from the excise tax provided in Section 5-101 of this title.

SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 2-119), is amended to read as follows:

Section 2-119. An airline/railroad/commercial vessel beverage license may be issued to any corporation operating a commercial airline, vessel or railroad in or through this state. Application and payment of the license fee shall be made directly to the ABLE Commission.

SECTION 3. AMENDATORY Section 50, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 2-138), is amended to read as follows:

Section 2-138. The holder of a mixed beverage, beer and wine, caterer, special event, public event or airline/railroad/commercial vessel beverage license shall purchase alcoholic beverages only from a licensed wine and spirits wholesaler or beer distributor, or as otherwise specifically provided by law; provided, the holder of a mixed beverage, beer and wine, caterer or special event license issued for an establishment which is also a restaurant may purchase wine produced at small farm wineries or beer produced at small breweries in this state directly from a winemaker or craft brewer as provided in Article XXVIII A of the Oklahoma Constitution.

A wine and spirits wholesaler, beer distributor or a holder of a small brewer self-distribution license or brewpub self-distribution license may deliver such products to licensees authorized to sell alcoholic beverages for on-premises consumption; provided, such licensees may also pick up alcoholic beverage orders if they hold a private carrier license issued by the ABLE Commission.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 30th day of April, 2019.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2019.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_