

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2363

By: Kannady

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 21, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 2-109), which relates to certain alcohol-related licenses; expanding authorities of certain licensee; and providing an effective date.

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

SECTION 1. AMENDATORY Section 21, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 2-109), is amended to read as follows:

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

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

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

3. To sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, spirits, wine and beer may be sold to charitable

1 organizations that are holders of charitable alcoholic beverage
2 auction or charitable alcoholic beverage event licenses;

3 4. To serve free samples of spirits, wine and beer to
4 individuals twenty-one (21) years of age and older. The retail
5 spirits licensee shall restrict the distribution and consumption of
6 samples to an area within the licensed premises designated by the
7 licensee. Samples served by a licensee under this paragraph shall
8 not be considered sales of spirits, wine or beer within the meaning
9 of Article XXVIII A of the Oklahoma Constitution; provided, such
10 samples shall be considered removed or withdrawn from the licensee's
11 or licensee's supplier's inventory for use or consumption within the
12 meaning of Section 5-110 of this title for excise tax determination
13 and reporting requirements;

14 5. To serve samples of spirits, wine and beer at public events
15 such as festivals and trade shows; and

16 6. To hold events for the purposes of promotion, education or
17 entertainment on or off the licensed premises for which admission
18 may be charged and at which spirits, wine or beer may be sold and
19 consumed.

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

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

22 2. To purchase wine from a small farm winemaker who is
23 permitted and has elected to self-distribute as provided in Article
24 XXVIII A of the Oklahoma Constitution; and

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

6 Provided, no holder of a Retail Wine License may sell wine with
7 alcohol beverage volume in excess of fifteen percent (15%).

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

9 1. To purchase beer from a beer distributor;

10 2. To purchase beer from the holder of a small brewer self-
11 distribution license; and

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

17 Provided, no holder of a Retail Beer License may sell a malt
18 beverage with alcohol beverage volume in excess of eight and ninety-
19 nine/one hundredths percent (8.99%).

20 SECTION 2. This act shall become effective November 1, 2019.

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