

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1098

 By: Strom

7 AS INTRODUCED

8 An Act relating to the Oklahoma Alcoholic Beverage
9 Control Act; amending Section 21, Chapter 366, O.S.L.
10 2016 (37A O.S. Supp. 2020, Section 2-109), which
11 relates to retail licenses; modifying scope of retail
 spirit license; authorizing serving of samples;
 providing requirements; providing rights of retail
 license holder; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 21, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2020, Section 2-109), is amended to read as
18 follows:

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

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

23 2. To purchase beer from a beer distributor or from the holder
24 of a small brewer self-distribution license; ~~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, spirits, wine and beer may be sold to charitable
4 organizations that are holders of charitable alcoholic beverage
5 auction or charitable alcoholic beverage event licenses; and

6 4. To offer product samples of alcoholic beverages on the
7 licensed premises during any hours the licensed premises are
8 authorized to be open. The following requirements apply to samples:

9 a. Samples shall not be bought or sold. The samples
10 served shall be provided to patrons at no cost and
11 shall not be considered a sale of alcoholic beverages
12 within the meaning of Article XXVIII-A of the Oklahoma
13 Constitution. The retail spirits license holder shall
14 be responsible for the cost of the samples.

15 b. Any alcoholic beverages sold shall be in their
16 original factory-sealed packages or containers.

17 c. The licensee shall not receive any gift or thing of
18 value in violation of Section 3-119 of this title.

19 d. Sample quantities shall be limited as follows for each
20 person during a twenty-four-hour period:

21 (1) distilled spirits: not to exceed twenty-five
22 hundredths (0.25) ounces per sample and not to
23 exceed four samples,

1 (2) beer and wine: not to exceed one (1) ounce per
2 sample and not to exceed four samples.

3 Retail license holders reserve the right to select the brands and
4 varieties of alcoholic beverages that will be served as samples.

5 Retail license holders shall not be required to offer samples and
6 reserve the right to refuse to offer samples.

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

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

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

10 permitted and has elected to self-distribute as provided in Article

11 ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution; 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, wine 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 Wine License may sell wine with
18 alcohol beverage volume in excess of fifteen percent (15%).

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

20 1. To purchase beer from a beer distributor;

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

23 3. To sell same on the licensed premises in such containers to
24 consumers for off-premises consumption only and not for resale;

1 provided, beer may be sold to charitable organizations that are
2 holders of charitable alcoholic beverage auction or charitable
3 alcoholic beverage event licenses.

4 Provided, no holder of a Retail Beer License may sell a malt
5 beverage with alcohol beverage volume in excess of eight and ninety-
6 nine~~one~~ hundredths percent (8.99%).

7 SECTION 2. This act shall become effective November 1, 2021.

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9 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
10 SUBSTANCES, dated 02/11/2021 - DO PASS.

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