

1 ENGROSSED SENATE
2 BILL NO. 263

By: Garvin of the Senate

3 and

4 Marti of the House

5
6 An Act relating to alcoholic beverages; amending 37A
7 O.S. 2021, Section 2-101, which relates to license
8 fees; modifying fees for certain license holders
9 based on production; and declaring an emergency.

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

11 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-101, is
12 amended to read as follows:

13 Section 2-101. A. Except as otherwise provided in this
14 section, the licenses issued by the ABLE Commission, and the annual
15 fees therefor, shall be as follows:

- | | | |
|----|---|------------|
| 16 | 1. Brewer License..... | \$1,250.00 |
| 17 | 2. Small Brewer License..... | \$125.00 |
| 18 | 3. Distiller License..... | \$3,125.00 |
| 19 | 4. Winemaker License..... | \$625.00 |
| 20 | 5. Small Farm Winery License..... | \$75.00 |
| 21 | 6. Rectifier License..... | \$3,125.00 |
| 22 | 7. Wine and Spirits Wholesaler License..... | \$3,000.00 |
| 23 | 8. Beer Distributor License..... | \$750.00 |

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- 1 9. The following retail spirits license fees
- 2 shall be determined by the latest Federal
- 3 Decennial Census:
- 4 a. Retail Spirits License for cities and
- 5 towns from 200 to 2,500 population..... \$305.00
- 6 b. Retail Spirits License for cities and
- 7 towns from 2,501 to 5,000 population..... \$605.00
- 8 c. Retail Spirits License for cities and
- 9 towns over 5,000 population..... \$905.00
- 10 10. Retail Wine License..... \$1,000.00
- 11 11. Retail Beer License..... \$500.00
- 12 12. Mixed Beverage License..... \$1,005.00
- 13 (initial license)
- 14 \$905.00
- 15 (renewal)
- 16 13. Mixed Beverage/Caterer Combination License..... \$1,250.00
- 17 14. On-Premises Beer and Wine License..... \$500.00
- 18 (initial license)
- 19 \$450.00
- 20 (renewal)
- 21 15. Bottle Club License..... \$1,000.00
- 22 (initial license)
- 23 \$900.00
- 24 (renewal)

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|----|-----|---|-------------------|
| 1 | 16. | Caterer License..... | \$1,005.00 |
| 2 | | | (initial license) |
| 3 | | | \$905.00 |
| 4 | | | (renewal) |
| 5 | 17. | Annual Special Event License..... | \$55.00 |
| 6 | 18. | Quarterly Special Event License..... | \$55.00 |
| 7 | 19. | Hotel Beverage License..... | \$1,005.00 |
| 8 | | | (initial license) |
| 9 | | | \$905.00 |
| 10 | | | (renewal) |
| 11 | 20. | Airline/Railroad/Commercial Passenger Vessel Beverage | |
| 12 | | License..... | \$1,005.00 |
| 13 | | | (initial license) |
| 14 | | | \$905.00 |
| 15 | | | (renewal) |
| 16 | 21. | Agent License..... | \$55.00 |
| 17 | 22. | Employee License..... | \$30.00 |
| 18 | 23. | Industrial License..... | \$23.00 |
| 19 | 24. | Carrier License..... | \$23.00 |
| 20 | 25. | Private Carrier License..... | \$23.00 |
| 21 | 26. | Bonded Warehouse License..... | \$190.00 |
| 22 | 27. | Storage License..... | \$23.00 |
| 23 | 28. | Nonresident Seller License | \$750.00 |
| 24 | 29. | Manufacturer License: | |

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

- 1 38. Brewpub License..... \$1,005.00
- 2 39. Brewpub Self-Distribution License..... \$750.00
- 3 40. Complimentary Beverage License..... \$75.00
- 4 41. Satellite Tasting Room License..... \$100.00

5 B. 1. There shall be added to the initial or renewal fees for
6 a Mixed Beverage License an administrative fee, which shall not be
7 deemed to be a license fee, in the amount of Five Hundred Dollars
8 (\$500.00), which shall be paid at the same time and in the same
9 manner as the license fees prescribed by paragraph 12 of subsection
10 A of this section; provided, this fee shall not be assessed against
11 service organizations or fraternal beneficiary societies which are
12 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
13 Code.

14 2. There shall be added to the fee for a Mixed Beverage/Caterer
15 Combination License an administrative fee, which shall not be deemed
16 to be a license fee, in the amount of Two Hundred Fifty Dollars
17 (\$250.00), which shall be paid at the same time and in the same
18 manner as the license fee prescribed by paragraph 13 of subsection A
19 of this section.

20 C. Notwithstanding the provisions of subsection A of this
21 section:

22 1. The license fee for a mixed beverage or bottle club license
23 for those service organizations or fraternal beneficiary societies
24 which are exempt under Section 501(c)(19), (8) or (10) of the

1 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
2 year; and

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

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

8 E. All licenses, except as otherwise provided, shall be valid
9 for one (1) year from date of issuance unless revoked or
10 surrendered. Provided, all employee licenses shall be valid for two
11 (2) years.

12 F. The holder of a license, issued by the ABLE Commission, for
13 a bottle club located in a county of this state where the sale of
14 alcoholic beverages by the individual drink for on-premises
15 consumption has been authorized, may exchange the bottle club
16 license for a mixed beverage license or an on-premises beer and wine
17 license and operate the licensed premises as a mixed beverage
18 establishment or an on-premises beer and wine establishment subject
19 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
20 There shall be no additional fee for such exchange and the mixed
21 beverage license or on-premises beer and wine license issued shall
22 expire one (1) year from the date of issuance of the original bottle
23 club license.

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

- 3 1. Nonresident Seller License..... \$2,500.00
- 4 2. Manufacturer License:
 - 5 a. 50 cases or less sold in Oklahoma in
 - 6 last calendar year..... \$100.00
 - 7 b. 51 to 500 cases sold in Oklahoma in
 - 8 last calendar year..... \$225.00
 - 9 c. 501 cases or more sold in Oklahoma in
 - 10 last calendar year..... \$450.00
- 11 3. Wine and Spirits Wholesaler License..... \$2,500.00
- 12 4. Beer Distributor..... \$1,000.00
- 13 5. Retail Spirits License for cities and towns
- 14 over 5,000 population..... \$250.00
- 15 6. Retail Spirits License for cities and towns
- 16 from 2,501 to 5,000 population..... \$200.00
- 17 7. Retail Spirits License for cities and towns
- 18 from 200 to 2,500 population..... \$150.00
- 19 8. Retail Wine License..... \$250.00
- 20 9. Retail Beer License..... \$250.00
- 21 10. Mixed Beverage License..... \$25.00
- 22 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 23 12. Caterer License..... \$25.00
- 24 13. On-Premises Beer and Wine License..... \$25.00

- 1 14. Annual Public Event License..... \$25.00
- 2 15. Small Farm Winery License..... \$25.00
- 3 16. Small Brewer License..... \$35.00
- 4 17. Complimentary Beverage License..... \$25.00

5 The surcharge shall be paid concurrent with the licensee's
6 annual licensing fee and, in addition to Five Dollars (\$5.00) of the
7 employee license fee, shall be deposited in the Alcoholic Beverage
8 Governance Revolving Fund established pursuant to Section 5-128 of
9 this title.

10 H. Any license issued by the ABLE Commission under this title
11 may be relied upon by other licensees as a valid license, and no
12 other licensee shall have any obligation to independently determine
13 the validity of such license or be held liable solely as a
14 consequence of another licensee's failure to maintain a valid
15 license.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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Passed the Senate the 14th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2023.

Presiding Officer of the House
of Representatives