

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1057

By: Rosino of the Senate

and

Echols of the House

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11 COMMITTEE SUBSTITUTE

12 An Act relating to alcoholic beverages; creating the
13 Marissa Murrow Act; providing short title; amending
14 37A O.S. 2021, Sections 1-103, 2-101, 2-112, and 2-
15 113, which relate to definitions, license fees and
16 surcharges, caterer license, rules, and restrictions
17 of caterer license; prohibiting caterers from certain
18 actions; defining term, providing fee and surcharge
19 for certain license; expanding authorization;
20 prohibiting caterers from certain actions; providing
21 necessary criteria for event venues; defining terms;
22 requiring certain enforcement; providing for the
23 promulgation of rules; updating statutory reference;
24 providing for noncodification; providing for
 codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Marissa Murrow
4 Act".

5 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, is
6 amended to read as follows:

7 Section 1-103. As used in the Oklahoma Alcoholic Beverage
8 Control Act:

9 1. "ABLE Commission" or "Commission" means the Alcoholic
10 Beverage Laws Enforcement Commission;

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

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

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

1 5. "Beer" means any beverage of alcohol by volume and obtained
2 by the alcoholic fermentation of an infusion or decoction of barley,
3 or other grain, malt or similar products. ~~"Beer"~~ Beer may or may
4 not contain hops or other vegetable products. ~~"Beer"~~ Beer includes,
5 among other things, beer, ale, stout, lager beer, porter and other
6 malt or brewed liquors, but does not include sake, known as Japanese
7 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 the state, but does not include a
12 holder of a small brewer self-distribution license or brewpub self-
13 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;

24

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
24

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

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

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

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

19 15. "Club suite" means a designated area within the premises of
20 a mixed beverage licensee designed to provide an exclusive space
21 which is limited to a patron or patrons specifically granted access
22 by a mixed beverage licensee and is not accessible to other patrons
23 of the mixed beverage licensee or the public. A club suite must
24 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. "Convenience store" means any person primarily engaged in
6 retailing a limited range of general household items and groceries,
7 with extended hours of operation, whether or not engaged in retail
8 sales of automotive fuels in combination with such sales;

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

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

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

20 20. "Director" means the Director of the ABLE Commission;

21 21. "Distiller" means any person who produces spirits from any
22 source or substance, or any person who brews or makes mash, wort or
23 wash, fit for distillation or for the production of spirits (except
24 a person making or using such material in the authorized production

1 of wine or beer, or the production of vinegar by fermentation), or
2 any person who by any process separates alcoholic spirits from any
3 fermented substance, or any person who, making or keeping mash, wort
4 or wash, has also in his or her possession or use a still;

5 22. "Distributor agreement" means the written agreement between
6 the distributor and brewer as set forth in Section 3-108 of this
7 title;

8 23. "Drug store" means a person primarily engaged in retailing
9 prescription and nonprescription drugs and medicines;

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

13 a. as a low-point beer pursuant to the Low-Point Beer
14 Distribution Act in effect immediately prior to
15 October 1, 2018, and

16 b. as strong beer pursuant to the Oklahoma Alcoholic
17 Beverage Control Act in effect immediately prior to
18 October 1, 2018,

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

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

22 25. "Event venue" means a location, property, space, premises,
23 grounds, building or buildings, or other site that offers to the
24 general public for rent, lease, reservation, or other contractual

1 use, for the hosting of a function, occasion, or event, special,
2 private, or public, of a temporary nature as a primary source of
3 income. The location, property, space, premises, grounds, or
4 building or buildings defined in this paragraph shall not include
5 locations where the primary purpose is a permanent personal
6 residence including, but not limited to, a residential home, duplex,
7 condo, apartment building, or other place of residence or
8 organizations exempt from taxation pursuant to the provisions of the
9 Internal Revenue Code, 26 U.S.C., Section 501(c) (3);

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

16 ~~26.~~ 27. "Good cause" means:

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

22 ~~27.~~ 28. "Good faith" means the duty of each party to any
23 distributor agreement and all officers, employees or agents thereof
24

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

3 ~~28.~~ 29. "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 ~~29.~~ 30. "Hotel" or "motel" means an establishment which is
8 licensed to sell alcoholic beverages by the individual drink and
9 which contains guestroom accommodations with respect to which the
10 predominant relationship existing between the occupants thereof and
11 the owner or operator of the establishment is that of innkeeper and
12 guest. For purposes of this section, the existence of other legal
13 relationships as between some occupants and the owner or operator
14 thereof shall be immaterial;

15 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the
16 requisites of a newspaper for publication of legal notices as
17 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
18 Statutes;

19 ~~31.~~ 32. "Licensee" means any person holding a license under the
20 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
21 employee of such licensee while in the performance of any act or
22 duty in connection with the licensed business or on the licensed
23 premises;

24

1 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing
2 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
3 not more than three and two-tenths percent (3.2%) alcohol by weight,
4 including but not limited to, beer or cereal malt beverages obtained
5 by the alcoholic fermentation of an infusion by barley or other
6 grain, malt or similar products;

7 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier
8 or bottler of any alcoholic beverage (other than beer) and its
9 subsidiaries, affiliates and parent companies;

10 ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned
11 salesperson who is the agent authorized to act on behalf of the
12 manufacturer or nonresident seller in the state;

13 ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner
14 and at least part of which is cooked on the licensed premises and
15 requires the use of dining implements for consumption. Provided,
16 that the service of only food such as appetizers, sandwiches, salads
17 or desserts shall not be considered ~~"meals"~~ meals;

18 ~~36.~~ 37. "Mini-bar" means a closed container, either
19 refrigerated in whole or in part, or nonrefrigerated, and access to
20 the interior of which is:

- 21 a. restricted by means of a locking device which requires
- 22 the use of a key, magnetic card or similar device, or
- 23 b. controlled at all times by the licensee;

1 ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever
2 name designated, consisting of an alcoholic beverage and fruit or
3 vegetable juice, fruit or vegetable flavorings, dairy products or
4 carbonated water containing more than one-half of one percent (1/2
5 of 1%) of alcohol measured by volume but not more than seven percent
6 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
7 packaged in a container not larger than three hundred seventy-five
8 (375) milliliters. Such term shall include but not be limited to
9 the beverage popularly known as a "wine cooler";

10 ~~38.~~ 39. "Mixed beverages" means one or more servings of a
11 beverage composed in whole or part of an alcoholic beverage in a
12 sealed or unsealed container of any legal size for consumption on
13 the premises where served or sold by the holder of a mixed beverage,
14 beer and wine, caterer, public event, charitable event or special
15 event license;

16 ~~39.~~ 40. "Motion picture theater" means an establishment which
17 is licensed by Section 2-110 of this title to sell alcoholic
18 beverages by the individual drink and where motion pictures are
19 exhibited, and to which the general public is admitted;

20 ~~40.~~ 41. "Nondesignated products" means the brands of wine or
21 spirits offered for sale by a manufacturer that have not been
22 assigned to a designated wholesaler;

23 ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant
24 to Section 2-135 of this title;

1 ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting
2 orders from and calling upon retail alcoholic beverage stores with
3 regard to his or her product;

4 ~~43.~~ 44. "Occupation" as used in connection with "occupation
5 tax" means the sites occupied as the places of business of the
6 manufacturers, brewers, wholesalers, beer distributors, retailers,
7 mixed beverage licensees, on-premises beer and wine licensees,
8 bottle clubs, caterers, public event and special event licensees;

9 ~~44.~~ 45. "Original package" means any container of alcoholic
10 beverage filled and stamped or sealed by the manufacturer or brewer;

11 ~~45.~~ 46. "Package store" means any sole proprietor or
12 partnership that qualifies to sell wine, beer and/or spirits for
13 off-premises consumption and that is not a grocery store,
14 convenience store or drug store, or other retail outlet that is not
15 permitted to sell wine or beer for off-premises consumption;

16 ~~46.~~ 47. "Patron" means any person, customer or visitor who is
17 not employed by a licensee or who is not a licensee;

18 ~~47.~~ 48. "Person" means an individual, any type of partnership,
19 corporation, association, limited liability company or any
20 individual involved in the legal structure of any such business
21 entity;

22 ~~48.~~ 49. "Premises" means the grounds and all buildings and
23 appurtenances pertaining to the grounds including any adjacent
24 premises if under the direct or indirect control of the licensee and

1 the rooms and equipment under the control of the licensee and used
2 in connection with or in furtherance of the business covered by a
3 license. ~~Provided that the~~ The ABLE Commission shall have the
4 authority to designate areas to be excluded from the licensed
5 premises solely for the purpose of:

6 a. allowing the presence and consumption of alcoholic
7 beverages by private parties which are closed to the
8 general public, or

9 b. allowing the services of a caterer serving alcoholic
10 beverages provided by a private party.

11 ~~This exception~~ These exceptions shall in no way limit the licensee's
12 concurrent responsibility for any violations of the Oklahoma
13 Alcoholic Beverage Control Act occurring on the licensed premises;

14 ~~49.~~ 50. "Private event" means a social gathering or event
15 attended by invited guests who share a common cause, membership,
16 business or task and have a prior established relationship. For
17 purposes of this definition, advertisement for general public
18 attendance or sales of tickets to the general public shall not
19 constitute a private event;

20 ~~50.~~ 51. "Public event" means any event that can be attended by
21 the general public;

22 ~~51.~~ 52. "Rectifier" means any person who rectifies, purifies or
23 refines spirits or wines by any process (other than by original and
24 continuous distillation, or original and continuous processing, from

1 mash, wort, wash or other substance, through continuous closed
2 vessels and pipes, until the production thereof is complete), and
3 any person who, without rectifying, purifying or refining spirits,
4 shall by mixing (except for immediate consumption on the premises
5 where mixed) such spirits, wine or other liquor with any material,
6 manufactures any spurious, imitation or compound liquors for sale,
7 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
8 or any other name;

9 ~~52.~~ 53. "Regulation" or "rule" means a formal rule of general
10 application promulgated by the ABLE Commission as herein required;

11 ~~53.~~ 54. "Restaurant" means an establishment that is licensed to
12 sell alcoholic beverages by the individual drink for on-premises
13 consumption and where food is prepared and sold for immediate
14 consumption on the premises;

15 ~~54.~~ 55. "Retail container for spirits and wines" means an
16 original package of any capacity approved by the United States
17 Bureau of Alcohol, Tobacco ~~and~~, Firearms and Explosives;

18 ~~55.~~ 56. "Retailer" means a package store, grocery store,
19 convenience store or drug store licensed to sell alcoholic beverages
20 for off-premises consumption pursuant to a ~~Retail Spirits License~~
21 retail spirits license, ~~Retail Wine License~~ retail wine license or
22 ~~Retail Beer License~~ retail beer license;

23 ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any
24 manner or by any means whatsoever, and includes and means all sales

1 made by any person, whether as principal, proprietor or as an agent,
2 servant or employee. The term ~~"sale"~~ sale is also declared to be
3 and include the use or consumption in this state of any alcoholic
4 beverage obtained within or imported from without this state, upon
5 which the excise tax levied by the Oklahoma Alcoholic Beverage
6 Control Act has not been paid or exempted;

7 ~~57.~~ 58. "Short-order food" means food other than full meals
8 including but not limited to sandwiches, soups and salads. Provided
9 that popcorn, chips and other similar snack food shall not be
10 considered ~~"short-order food"~~ short-order food;

11 ~~58.~~ 59. "Small brewer" means a brewer who manufactures less
12 than sixty-five thousand barrels of beer annually pursuant to a
13 validly issued ~~Small Brewer License~~ small brewer license hereunder;

14 ~~59.~~ 60. "Small farm wine" means a wine that is produced by a
15 small farm winery with seventy-five percent (75%) or more Oklahoma-
16 grown grapes, berries, other fruits, honey or vegetables;

17 ~~60.~~ 61. "Small farm winery" means a wine-making establishment
18 that does not annually produce for sale more than fifteen thousand
19 (15,000) gallons of wine as reported on the United States Department
20 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
21 Wine Premises Operations (TTB Form 5120.17);

22 ~~61.~~ 62. "Sparkling wine" means champagne or any artificially
23 carbonated wine;

24

1 ~~62.~~ 63. "Special event" means an entertainment, recreation or
2 marketing event that occurs at a single location on an irregular
3 basis and at which alcoholic beverages are sold;

4 ~~63.~~ 64. "Spirits" means any beverage other than wine or beer,
5 which contains more than one-half of one percent (1/2 of 1%) alcohol
6 measured by volume, and obtained by distillation, whether or not
7 mixed with other substances in solution and includes those products
8 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
9 fortified wines and similar compounds, but shall not include any
10 alcohol liquid completely denatured in accordance with the Acts of
11 Congress and regulations pursuant thereto;

12 ~~64.~~ 65. "Strong beer" means beer which, prior to October 1,
13 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
14 Control Act, Section ~~501~~ 1-101 et seq. of Title ~~37~~ 37A of the
15 Oklahoma Statutes;

16 ~~65.~~ 66. "Successor brewer" means a primary source of supply, a
17 brewer, a cider manufacturer or an importer that acquires rights to
18 a beer or cider brand from a predecessor brewer;

19 ~~66.~~ 67. "Tax Commission" means the Oklahoma Tax Commission;

20 ~~67.~~ 68. "Territory" means a geographic region with a specified
21 boundary;

22 ~~68.~~ 69. "Wine and spirits wholesaler" or "wine and spirits
23 distributor" means and includes any sole proprietorship or
24 partnership licensed to distribute wine and spirits in the state.

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

4 ~~69.~~ 70. "Wine" means and includes any beverage containing more
5 than one-half of one percent (1/2 of 1%) alcohol by volume and not
6 more than twenty-four percent (24%) alcohol by volume at sixty (60)
7 degrees Fahrenheit obtained by the fermentation of the natural
8 contents of fruits, vegetables, honey, milk or other products
9 containing sugar, whether or not other ingredients are added, and
10 includes vermouth and sake, known as Japanese rice wine;

11 ~~70.~~ 71. "Winemaker" means and includes any person or
12 establishment who manufactures for human consumption any wine upon
13 which a license fee and a tax are imposed by any law of this state;
14 and

15 ~~71.~~ 72. "Satellite tasting room" means a licensed establishment
16 operated off the licensed premises of the holder of a small farm
17 winery or winemaker license, which serves wine for on-premises or
18 off-premises consumption.

19 Words in the plural include the singular, and vice versa, and
20 words imparting the masculine gender include the feminine, as well
21 as persons and licensees as defined in this section.

22 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, is
23 amended to read as follows:

24

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

- 4 1. Brewer License..... \$1,250.00
- 5 2. Small Brewer License..... \$125.00
- 6 3. Distiller License..... \$3,125.00
- 7 4. Winemaker License..... \$625.00
- 8 5. Small Farm Winery License..... \$75.00
- 9 6. Rectifier License..... \$3,125.00
- 10 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 11 8. Beer Distributor License..... \$750.00
- 12 9. The following retail spirits license fees
13 shall be determined by the latest Federal
14 Decennial Census:
 - 15 a. Retail Spirits License for cities and
16 towns from 200 to 2,500 population..... \$305.00
 - 17 b. Retail Spirits License for cities and
18 towns from 2,501 to 5,000 population..... \$605.00
 - 19 c. Retail Spirits License for cities and
20 towns over 5,000 population..... \$905.00
- 21 10. Retail Wine License..... \$1,000.00
- 22 11. Retail Beer License..... \$500.00
- 23 12. Mixed Beverage License..... \$1,005.00

24 (initial license)

1		\$905.00
2		(renewal)
3	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
4	14. On-Premises Beer and Wine License.....	\$500.00
5		(initial license)
6		\$450.00
7		(renewal)
8	15. Bottle Club License.....	\$1,000.00
9		(initial license)
10		\$900.00
11		(renewal)
12	16. Caterer License.....	\$1,005.00
13		(initial license)
14		\$905.00
15		(renewal)
16	17. Annual Special Event License.....	\$55.00
17	18. Quarterly Special Event License.....	\$55.00
18	19. Hotel Beverage License.....	\$1,005.00
19		(initial license)
20		\$905.00
21		(renewal)
22	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
23	License.....	\$1,005.00
24		(initial license)

1		\$905.00
2		(renewal)
3	21. Agent License.....	\$55.00
4	22. Employee License.....	\$30.00
5	23. Industrial License.....	\$23.00
6	24. Carrier License.....	\$23.00
7	25. Private Carrier License.....	\$23.00
8	26. Bonded Warehouse License.....	\$190.00
9	27. Storage License.....	\$23.00
10	28. Nonresident Seller License	\$750.00
11	29. Manufacturer License:	
12	a. 50 cases or less sold in Oklahoma in	
13	last calendar year.....	\$50.00
14	b. 51 to 500 cases sold in Oklahoma in	
15	last calendar year.....	\$75.00
16	c. 501 cases or more sold in Oklahoma in	
17	last calendar year.....	\$150.00
18	30. Manufacturer's Agent License.....	\$55.00
19	31. Sacramental Wine Supplier License.....	\$100.00
20	32. Charitable Auction License.....	\$1.00
21	33. Charitable Alcoholic Beverage License.....	\$55.00
22	34. Winemaker Self-Distribution License.....	\$750.00
23	35. Annual Public Event License.....	\$1,005.00
24	36. One-Time Public Event License.....	\$255.00

1	37.	Small Brewer Self-Distribution License.....	\$750.00
2	38.	Brewpub License.....	\$1,005.00
3	39.	Brewpub Self-Distribution License.....	\$750.00
4	40.	Complimentary Beverage License.....	\$75.00
5	41.	Satellite Tasting Room License.....	\$100.00
6	42.	<u>Event Venue License.....</u>	<u>\$500.00</u>

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

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

22 C. Notwithstanding the provisions of subsection A of this
23 section:
24

1 1. The license fee for a mixed beverage or bottle club license
2 for those service organizations or fraternal beneficiary societies
3 which are exempt under Section 501(c)(19), (8) or (10) of the
4 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
5 year; and

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

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

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

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

1 expire one (1) year from the date of issuance of the original bottle
2 club license.

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

5 1. Nonresident Seller License..... \$2,500.00

6 2. Manufacturer License:

7 a. 50 cases or less sold in Oklahoma in
8 last calendar year..... \$100.00

9 b. 51 to 500 cases sold in Oklahoma in
10 last calendar year..... \$225.00

11 c. 501 cases or more sold in Oklahoma in
12 last calendar year..... \$450.00

13 3. Wine and Spirits Wholesaler License..... \$2,500.00

14 4. Beer Distributor..... \$1,000.00

15 5. Retail Spirits License for cities and towns
16 over 5,000 population..... \$250.00

17 6. Retail Spirits License for cities and towns
18 from 2,501 to 5,000 population..... \$200.00

19 7. Retail Spirits License for cities and towns
20 from 200 to 2,500 population..... \$150.00

21 8. Retail Wine License..... \$250.00

22 9. Retail Beer License..... \$250.00

23 10. Mixed Beverage License..... \$25.00

24 11. Mixed Beverage/Caterer Combination License..... \$25.00

1	12.	Caterer License.....	\$25.00
2	13.	On-Premises Beer and Wine License.....	\$25.00
3	14.	Annual Public Event License.....	\$25.00
4	15.	Small Farm Winery License.....	\$25.00
5	16.	Small Brewer License.....	\$35.00
6	17.	Complimentary Beverage License.....	\$25.00
7	18.	<u>Event Venue License.....</u>	<u>\$500.00</u>

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

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

19 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-112, is
20 amended to read as follows:

21 Section 2-112. A caterer license shall authorize the holder
22 thereof to sell mixed beverages for on-premises consumption
23 incidental to the sale or distribution of food at particular
24 functions, occasions or events which are temporary in nature or at

1 event venues. A caterer license shall not be issued in lieu of a
2 mixed beverage license. A caterer license shall only be issued in
3 counties of this state where the sale of alcoholic beverages by the
4 individual drink for on-premises consumption has been authorized. A
5 separate license shall be required for each place of business.

6 SECTION 5. AMENDATORY 37A O.S. 2021, Section 2-113, is
7 amended to read as follows:

8 Section 2-113. A. 1. A caterer license may be issued to any
9 person for the purpose of sale, delivery, or distribution of
10 alcoholic beverages incidental to the sale or distribution of food
11 on a premises not licensed by the ABLE Commission or at event
12 venues. For purposes of this section, "incidental to the sale or
13 distribution of food" means food sales constituting at least thirty-
14 five percent (35%) of the caterer's total combined annual sales. A
15 caterer license shall not be issued to a person whose main purpose
16 is the sale of alcoholic beverages.

17 2. A caterer license may only be issued to those persons that
18 prepare, sell, and distribute food for consumption either on
19 licensed or unlicensed premises. In order to renew a caterer
20 license, annual food sales must constitute at least thirty-five
21 percent (35%) of the caterer's total combined sales based on the
22 most recent calendar year. A caterer shall not be required to
23 prepare, sell, and distribute food at every catered event as long as
24 the caterer satisfies the requirement set forth in this section.

1 3. Each caterer shall submit an annual sales report containing
2 revenue attributable to alcoholic beverages, food, and all other
3 revenues attributable to the catering service. The annual sales
4 report must be submitted thirty (30) days prior to expiration of the
5 caterer license on forms prescribed by the ABLE Commission. The
6 caterer license may not be renewed if the caterer fails to provide
7 complete or sufficient financial data.

8 4. Each caterer shall submit a monthly event report containing
9 information on all events scheduled for the subsequent month. If an
10 event is scheduled after the first day of the month for an event to
11 occur in the same month, then the caterer shall report that event
12 within twenty-four (24) hours of scheduling the event or within
13 twenty-four (24) hours prior to the event, whichever occurs first.
14 The monthly event report shall be submitted on the first day of each
15 month.

16 5. All reports shall be submitted electronically on forms
17 prescribed by the ABLE Commission. Provided, if the caterer does
18 not have access to the Internet, then monthly reports must be
19 submitted by facsimile to the ABLE Commission's office in Oklahoma
20 City, in which case the caterer must retain a copy of the facsimile
21 confirmation sheet for at least twelve (12) months.

22 6. Any caterer who fails to submit a monthly report shall have
23 the caterer license automatically suspended until such time that the
24 caterer has fully complied with all reporting requirements. Any

1 caterer whose annual food sales do not exceed thirty-five percent
2 (35%) of his or her total annual combined sales shall not have the
3 caterer's license renewed.

4 B. The ABLE Commission shall promulgate rules governing the
5 application for and the issuance of caterer licenses.

6 C. The restrictions and rules which apply to the sale of mixed
7 beverages on the premises of a mixed beverage licensee also apply to
8 the sale under the authority of a caterer license. Any act which if
9 done on the premises of a mixed beverage licensee would be a ground
10 for revocation or suspension of the mixed beverage license is a
11 ground for revocation or suspension of a caterer license.

12 D. If the premises where the event being catered is held are
13 already operating pursuant to another type of license issued by the
14 ABLE Commission, the caterer and the other licensee shall both be
15 responsible for the actions of the caterer and shall both be subject
16 to penalties for violations by the caterer of the Oklahoma Alcoholic
17 Beverage Control Act and any rules promulgated thereto. This
18 subsection, subsection D, shall not apply to a holder of an "event
19 venue" license.

20 E. A caterer licensee may not store alcoholic beverages unless
21 the licensee has a storage license issued by the ABLE Commission. A
22 caterer licensee selling beer and cider to consumers shall only
23 purchase such beer and cider from the distributor or wholesaler
24

1 within the county in which the licensee will be selling the beer and
2 cider to consumers.

3 F. A caterer may provide alcoholic beverage sales on the
4 premises of a person currently applying for a mixed beverage
5 license, provided the following terms have been satisfied:

6 1. The caterer shall take reasonable steps to ensure that the
7 mixed beverage applicant uses only licensed employees to perform
8 licensable activities while using the caterer's license. The
9 caterer shall use his or her best efforts to attempt to have a
10 licensed employee on-site supervising the sale of such caterer's
11 alcoholic beverages at all times, but the caterer shall not be
12 disciplined for failing to have a licensed employee on-site. The
13 caterer expressly acknowledges that he or she is liable for all
14 violations of the Oklahoma Alcoholic Beverage Control Act and rules
15 of the ABLE Commission that are committed by the mixed beverage
16 applicant and its employees during this period;

17 2. The caterer and mixed beverage applicant must submit to the
18 ABLE Commission a written agreement setting forth all the terms of
19 the catering agreement at least twenty-four (24) hours prior to the
20 commencement of the catered event; and

21 3. The caterer may not provide alcoholic beverage sales on the
22 unlicensed premises of the mixed beverage applicant for more than
23 sixty (60) days, or after the applicant's license has been denied,
24 whichever occurs first.

1 G. A caterer shall not sell or distribute alcoholic beverages
2 on the premises of an event venue as defined in Section 1-103 of
3 this title unless the event venue holds an event venue license
4 pursuant to Section 6 of this act.

5 A caterer may provide alcoholic beverage services for temporary
6 public events which have been licensed and approved by the ABLE
7 Commission.

8 H. A caterer may provide alcoholic beverage services for a
9 mixed beverage licensee which holds a live performing arts
10 presentation and is open to the public not more than one hundred
11 twenty (120) days per year.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
14 is created a duplication in numbering, reads as follows:

15 A. An event venue license shall authorize the holder to operate
16 a space as defined in Section 1-103 of Title 37A of the Oklahoma
17 Statutes and provide alcoholic beverage services during events
18 hosted on the licensed premises.

19 B. An event venue approved by the ABLE Commission shall have
20 designated alcohol service areas, alcohol storage areas, and alcohol
21 consumption areas within the premises of the event venue. An event
22 venue during the duration of any event hosted on the licensed
23 premises shall be required to employ, hire, or contract with
24 independent security services or personnel or a local city, town, or

1 municipal law enforcement for the enforcement of the provisions of
2 this section.

3 C. Nothing in this section shall exempt any employee or
4 personnel administering alcoholic beverages on site from the
5 training in alcohol handling, laws and regulations, or licensure
6 requirements as prescribed by the ABLE Commission.

7 D. For purposes of this section:

8 1. "Alcohol consumption area" or "alcohol consumption areas"
9 means areas within the event venue provided for the consumption of
10 alcoholic beverages by patrons and shall not include, and not be
11 limited to, an area designated for parking, adjacent property not
12 monitored by the event venue, any public street, or where patron
13 parking occurs during the duration of the event;

14 2. "Alcohol service area" means an area actively monitored by
15 the licensed caterer, or employee thereof, serving, opening,
16 pouring, or otherwise providing alcoholic beverages to patrons and
17 that provides limited access to patrons under twenty-one (21) years
18 of age; and

19 3. "Alcohol storage area" means an area limited to all patrons
20 and accessible only to the licensed caterer, or employee thereof,
21 for the purpose of storage of alcoholic beverages prior to
22 preparation or use for the service of providing alcoholic beverages
23 to patrons.

24

1 E. The ABLE Commission shall promulgate rules necessary for the
2 implementation of this section.

3 SECTION 7. This act shall become effective November 1, 2023.
4

5 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
6 SUBSTANCES, dated 04/05/2023 - DO PASS, As Amended.
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