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April 10, 2023

ENGROSSED HOUSE
BILL NO. 2084

By: Archer, Caldwell (Chad),
and Fugate of the House

and

Howard of the Senate

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-104, which relates to winemaker license; providing requirements for wine to be sold for off-premises consumption; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-104, is amended to read as follows:

Section 2-104. A winemaker license shall authorize the holder thereof:

1. To manufacture (including such mixing, blending and cellar treatment as authorized by federal law), bottle, package and store on licensed premises wine containing not more than twenty-four percent (24%) alcohol by volume, provided the bottle or package sizes authorized shall be limited to the capacities approved by the United States Alcohol and Tobacco Tax and Trade Bureau;

1 2. To sell wine in this state to licensed wholesalers and
2 manufacturers;

3 3. To sell wine produced at the winery from grapes and other
4 fruits and berries grown in this state, if available, for either on-
5 premises or off-premises consumption to consumers on the premises of
6 the winery. Wine sold for off-premises consumption must meet the
7 following requirements:

8 a. must be in a sealed container by a winemaker license
9 at the wine maker licensee's premises, and

10 b. the wine is transferred within the licensed premises
11 by an employee of the licensee who:

12 (1) is at least eighteen (18) years of age,

13 (2) upon delivery, verifies the age of the person to
14 whom the wine is being delivered.

15 If the employee delivering the drink is not able to safely
16 verify a person's age or level of intoxication upon
17 delivery, the employee shall cancel the sale of alcohol and
18 return the product to the license holder;

19 4. To serve free samples of wine produced at the winery to
20 visitors twenty-one (21) years of age and older. For purposes of
21 this section, no visitor may sample more than a total of six (6)
22 fluid ounces of wine per day. The winery shall restrict the
23 distribution and consumption of wine samples to an area within the
24 licensed premises designated by the winery. A current floor plan

1 that includes the designated sampling area shall be on file with the
2 ABLE Commission. No visitor under twenty-one (21) years of age
3 shall be permitted to enter the designated sampling area when
4 samples are being distributed and consumed. Samples of wine served
5 by a winery under this section shall not be considered a sale of
6 wine within the meaning of Article XXVIII-A of the Oklahoma
7 Constitution or Section 1-103 of this title; provided, such samples
8 of wine shall be considered removed or withdrawn from the winery for
9 use or consumption within the meaning of Section 5-110 of this title
10 for excise tax determination and reporting requirements;

11 5. To serve free samples of wine produced at the winery at
12 public events such as festivals and trade shows;

13 6. To sell wine produced at the winery, for either on-premises
14 or off-premises consumption at public events such as festivals and
15 trade shows;

16 7. To sell wine out of this state to qualified persons;

17 8. To purchase from licensed winemakers, distillers and
18 rectifiers in this state, and to import into this state wine, brandy
19 and fruit spirits for use in manufacturing in accordance with
20 federal laws and regulations;

21 9. To sell and serve Oklahoma-manufactured wine, mulled wine,
22 or spiced wine, mixed with nonalcoholic beverages or food items such
23 as water, sugar, fruits and vegetables, at any temperature, for
24 either on-premises or off-premises consumption;

1 10. To purchase beer in retail containers from the holder of a
2 wholesaler, beer distributor, small brewer self-distributor or
3 brewpub self-distributor license or as specifically provided by law;

4 11. To sell, offer for sale and possess beer for on-premises
5 consumption; and

6 12. To establish satellite tasting rooms as defined and
7 authorized in this act where the winemaker's products may be tasted,
8 sampled, sold and served for on-premises consumption and the
9 winemaker is permitted to sell its products in sealed containers;
10 provided, the small farm winery license or winemaker license is
11 active and in good standing. The wine sold at a satellite tasting
12 room must have been produced/manufactured by the holder of a small
13 farm winery license or winemaker license and must have all
14 manufacturing taxes paid.

15 SECTION 2. This act shall become effective November 1, 2023.

16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
17 April 10, 2023 - DO PASS
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