

1 **SENATE FLOOR VERSION**

2 February 12, 2024

3 SENATE BILL NO. 1818

By: Rosino of the Senate

4 and

5 Echols of the House

6
7
8 An Act relating to alcoholic beverages; creating the
9 Marissa Murrow Act; providing short title; amending
10 37A O.S. 2021, Section 1-103, as amended by Section
11 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,
12 Section 1-103), which relates to definitions;
13 defining term; amending 37A O.S. 2021, Section 2-101,
14 as amended by Section 3, Chapter 338, O.S.L. 2023
15 (37A O.S. Supp. 2023, Section 2-101), which relates
16 to license fees; providing fee for license; amending
17 37A O.S. 2021, Section 2-112, which relates to
18 caterer license; expanding lawful usage; amending 37A
19 O.S. 2021, Section 2-113, as amended by Section 1,
20 Chapter 42, O.S.L. 2023 (37A O.S. Supp. 2023, Section
21 2-113), which relates to rules and regulations of
22 caterer license; allowing caterer licensee to operate
23 at event venue if licensed; establishing event venue
24 license; requiring certain license postage; excepting
certain venues; providing for promulgation of rules;
providing for noncodification; providing for
codification; and providing an effective date.

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

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

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

1 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, as
2 amended by Section 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,
3 Section 1-103), is amended to read as follows:

4 Section 1-103. As used in the Oklahoma Alcoholic Beverage
5 Control Act:

6 1. "ABLE Commission" or "Commission" means the Alcoholic
7 Beverage Laws Enforcement Commission;

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

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

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

22 5. "Beer" means any beverage containing more than one-half of
23 one percent (0.50%) of alcohol by volume and obtained by the
24 alcoholic fermentation of an infusion or decoction of barley, or

1 other grain, sugar, malt or similar products. For the purposes of
2 taxation, distribution, sales, and regulation, seltzer shall mean
3 the same as beer as provided in this section. Beer may or may not
4 contain hops or other vegetable products. Beer includes, among
5 other things, beer, ale, stout, lager beer, porter, seltzer, and
6 other malt or brewed liquors, but does not include sake, known as
7 Japanese 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 Oklahoma
14 Alcoholic Beverage Control Act, shall be construed to refer to a
15 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 Alcoholic Beverage
17 Control Act in effect immediately prior to October 1,
18 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 any nongovernmental location, property,
23 space, premises, grounds, building or buildings, or other site that
24 offers to the general public for rent, lease, reservation, or other

1 contractual use, for the hosting of a function, occasion, or event,
2 special, private, or public, of a temporary nature. The location,
3 property, space, premises, grounds, or building or buildings defined
4 in this paragraph shall not include those owned, leased, or occupied
5 by organizations exempt from taxation pursuant to the provisions of
6 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

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

13 ~~26.~~ 27. "Good cause" means:

14 a. failure by the distributor to comply with the material
15 and reasonable provisions of a written agreement or
16 understanding with the brewer, or

17 b. failure by the distributor to comply with the duty of
18 good faith;

19 ~~27.~~ 28. "Good faith" means the duty of each party to any
20 distributor agreement and all officers, employees or agents thereof
21 to act with honesty in fact and within reasonable standards of fair
22 dealing in the trade;

23 ~~28.~~ 29. "Grocery store" means a person primarily engaged in
24 retailing a general line of food, such as canned or frozen foods,

1 fresh fruits and vegetables, and fresh and prepared meats, fish and
2 poultry;

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

11 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the
12 requisites of a newspaper for publication of legal notices as
13 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
14 Statutes;

15 ~~31.~~ 32. "Licensee" means any person holding a license under the
16 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
17 employee of such licensee while in the performance of any act or
18 duty in connection with the licensed business or on the licensed
19 premises;

20 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing
21 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
22 not more than three and two-tenths percent (3.2%) alcohol by weight,
23 including but not limited to, beer or cereal malt beverages obtained
24

1 by the alcoholic fermentation of an infusion by barley or other
2 grain, malt or similar products;

3 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier
4 or bottler of any alcoholic beverage (other than beer) and its
5 subsidiaries, affiliates and parent companies;

6 ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned
7 salesperson who is the agent authorized to act on behalf of the
8 manufacturer or nonresident seller in the state;

9 ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner
10 and at least part of which is cooked on the licensed premises and
11 requires the use of dining implements for consumption. Provided,
12 that the service of only food such as appetizers, sandwiches, salads
13 or desserts shall not be considered meals;

14 ~~36.~~ 37. "Mini-bar" means a closed container, either
15 refrigerated in whole or in part, or nonrefrigerated, and access to
16 the interior of which is:

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

20 ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever
21 name designated, consisting of an alcoholic beverage and fruit or
22 vegetable juice, fruit or vegetable flavorings, dairy products or
23 carbonated water containing more than one-half of one percent (1/2
24 of 1%) of alcohol measured by volume but not more than seven percent

1 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
2 packaged in a container not larger than three hundred seventy-five
3 (375) milliliters. Such term shall include but not be limited to
4 the beverage popularly known as a "wine cooler";

5 ~~38.~~ 39. "Mixed beverages" means one or more servings of a
6 beverage composed in whole or part of an alcoholic beverage in a
7 sealed or unsealed container of any legal size for consumption on
8 the premises where served or sold by the holder of a mixed beverage,
9 beer and wine, caterer, public event, charitable event or special
10 event license;

11 ~~39.~~ 40. "Motion picture theater" means an establishment which
12 is licensed by Section 2-110 of this title to sell alcoholic
13 beverages by the individual drink and where motion pictures are
14 exhibited, and to which the general public is admitted;

15 ~~40.~~ 41. "Nondesignated products" means the brands of wine or
16 spirits offered for sale by a manufacturer that have not been
17 assigned to a designated wholesaler;

18 ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant
19 to Section 2-135 of this title;

20 ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting
21 orders from and calling upon retail alcoholic beverage stores with
22 regard to his or her product;

23 ~~43.~~ 44. "Occupation" as used in connection with "occupation
24 tax" means the sites occupied as the places of business of the

1 manufacturers, brewers, wholesalers, beer distributors, retailers,
2 mixed beverage licensees, on-premises beer and wine licensees,
3 bottle clubs, caterers, public event and special event licensees;

4 ~~44.~~ 45. "Original package" means any container of alcoholic
5 beverage filled and stamped or sealed by the manufacturer or brewer;

6 ~~45.~~ 46. "Package store" means any sole proprietor or
7 partnership that qualifies to sell wine, beer and/or spirits for
8 off-premises consumption and that is not a grocery store,
9 convenience store or drug store, or other retail outlet that is not
10 permitted to sell wine or beer for off-premises consumption;

11 ~~46.~~ 47. "Patron" means any person, customer or visitor who is
12 not employed by a licensee or who is not a licensee;

13 ~~47.~~ 48. "Person" means an individual, any type of partnership,
14 corporation, association, limited liability company or any
15 individual involved in the legal structure of any such business
16 entity;

17 ~~48.~~ 49. "Premises" means the grounds and all buildings and
18 appurtenances pertaining to the grounds including any adjacent
19 premises if under the direct or indirect control of the licensee and
20 the rooms and equipment under the control of the licensee and used
21 in connection with or in furtherance of the business covered by a
22 license. Provided that the ABLE Commission shall have the authority
23 to designate areas to be excluded from the licensed premises solely
24 for the purpose of:

- 1 a. allowing the presence and consumption of alcoholic
2 beverages by private parties which are closed to the
3 general public, or
4 b. allowing the services of a caterer serving alcoholic
5 beverages provided by a private party.

6 This exception shall in no way limit the licensee's concurrent
7 responsibility for any violations of the Oklahoma Alcoholic Beverage
8 Control Act occurring on the licensed premises;

9 ~~49.~~ 50. "Private event" means a social gathering or event
10 attended by invited guests who share a common cause, membership,
11 business or task and have a prior established relationship. For
12 purposes of this definition, advertisement for general public
13 attendance or sales of tickets to the general public shall not
14 constitute a private event;

15 ~~50.~~ 51. "Public event" means any event that can be attended by
16 the general public;

17 ~~51.~~ 52. "Rectifier" means any person who rectifies, purifies or
18 refines spirits or wines by any process (other than by original and
19 continuous distillation, or original and continuous processing, from
20 mash, wort, wash or other substance, through continuous closed
21 vessels and pipes, until the production thereof is complete), and
22 any person who, without rectifying, purifying or refining spirits,
23 shall by mixing (except for immediate consumption on the premises
24 where mixed) such spirits, wine or other liquor with any material,

1 manufactures any spurious, imitation or compound liquors for sale,
2 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
3 or any other name;

4 ~~52.~~ 53. "Regulation" or "rule" means a formal rule of general
5 application promulgated by the ABLE Commission as herein required;

6 ~~53.~~ 54. "Restaurant" means an establishment that is licensed to
7 sell alcoholic beverages by the individual drink for on-premises
8 consumption and where food is prepared and sold for immediate
9 consumption on the premises;

10 ~~54.~~ 55. "Retail container for spirits and wines" means an
11 original package of any capacity approved by the United States
12 Bureau of Alcohol, Tobacco, Firearms and Explosives;

13 ~~55.~~ 56. "Retailer" means a package store, grocery store,
14 convenience store or drug store licensed to sell alcoholic beverages
15 for off-premises consumption pursuant to a Retail Spirits License,
16 Retail Wine License or Retail Beer License;

17 ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any
18 manner or by any means whatsoever, and includes and means all sales
19 made by any person, whether as principal, proprietor or as an agent,
20 servant or employee. The term sale is also declared to be and
21 include the use or consumption in this state of any alcoholic
22 beverage obtained within or imported from without this state, upon
23 which the excise tax levied by the Oklahoma Alcoholic Beverage
24 Control Act has not been paid or exempted;

1 ~~57.~~ 58. "Seltzer" means any beverage containing more than one-
2 half of one percent (0.50%) of alcohol by volume and obtained by the
3 alcoholic fermentation of malt, rice, grain of any kind, bran,
4 glucose, sugar, or molasses and combined with carbonated water and
5 other flavoring and labeled as "beer" by the Internal Revenue Code;
6 provided, that seltzer shall not include carbonated beverages mixed
7 with wine or spirits;

8 ~~58.~~ 59. "Short-order food" means food other than full meals
9 including but not limited to sandwiches, soups and salads. Provided
10 that popcorn, chips and other similar snack food shall not be
11 considered short-order food;

12 ~~59.~~ 60. "Small brewer" means a brewer who manufactures less
13 than sixty-five thousand barrels of beer annually pursuant to a
14 validly issued Small Brewer License hereunder;

15 ~~60.~~ 61. "Small farm wine" means a wine that is produced by a
16 small farm winery with seventy-five percent (75%) or more Oklahoma-
17 grown grapes, berries, other fruits, honey or vegetables;

18 ~~61.~~ 62. "Small farm winery" means a wine-making establishment
19 that does not annually produce for sale more than fifteen thousand
20 (15,000) gallons of wine as reported on the United States Department
21 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
22 Wine Premises Operations (TTB Form 5120.17);

23 ~~62.~~ 63. "Sparkling wine" means champagne or any artificially
24 carbonated wine;

1 ~~63.~~ 64. "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 ~~64.~~ 65. "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 ~~65.~~ 66. "Strong beer" means beer which, prior to October 1,
13 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
14 Control Act, Section 1-101 et seq. of this title;

15 ~~66.~~ 67. "Successor brewer" means a primary source of supply, a
16 brewer, a cider manufacturer or an importer that acquires rights to
17 a beer or cider brand from a predecessor brewer;

18 ~~67.~~ 68. "Tax Commission" means the Oklahoma Tax Commission;

19 ~~68.~~ 69. "Territory" means a geographic region with a specified
20 boundary;

21 ~~69.~~ 70. "Wine and spirits wholesaler" or "wine and spirits
22 distributor" means and includes any sole proprietorship or
23 partnership licensed to distribute wine and spirits in the state.
24 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage

1 Control Act, shall be construed to refer to a wine and spirits
2 wholesaler;

3 ~~70.~~ 71. "Wine" means and includes any beverage containing more
4 than one-half of one percent (1/2 of 1%) alcohol by volume and not
5 more than twenty-four percent (24%) alcohol by volume at sixty (60)
6 degrees Fahrenheit obtained by the fermentation of the natural
7 contents of fruits, vegetables, honey, milk or other products
8 containing sugar, whether or not other ingredients are added, and
9 includes vermouth and sake, known as Japanese rice wine;

10 ~~71.~~ 72. "Winemaker" means and includes any person or
11 establishment who manufactures for human consumption any wine upon
12 which a license fee and a tax are imposed by any law of this state;
13 and

14 ~~72.~~ 73. "Satellite tasting room" means a licensed establishment
15 operated off the licensed premises of the holder of a small farm
16 winery or winemaker license, which serves wine for on-premises or
17 off-premises consumption.

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

21 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, as
22 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,
23 Section 2-101), is 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:	
23	a. produced ten thousand (10,000) gallons	
24	or less in last calendar year.....	\$350.00

- 1 b. produced more than ten thousand
- 2 (10,000) gallons but no more than
- 3 fifteen thousand (15,000) gallons in
- 4 last calendar year..... \$750.00
- 5 35. Annual Public Event License..... \$1,005.00
- 6 36. One-Time Public Event License..... \$255.00
- 7 37. Small Brewer Self-Distribution License:
- 8 a. produced fifteen thousand (15,000)
- 9 barrels or less in last calendar year..... \$350.00
- 10 b. produced more than fifteen thousand
- 11 (15,000) barrels in last calendar year..... \$750.00
- 12 38. Brewpub License..... \$1,005.00
- 13 39. Brewpub Self-Distribution License..... \$750.00
- 14 40. Complimentary Beverage License..... \$75.00
- 15 41. Satellite Tasting Room License..... \$100.00
- 16 42. Event Venue License..... \$500.00

17 B. 1. There shall be added to the initial or renewal fees for
18 a mixed beverage license an administrative fee, which shall not be
19 deemed to be a license fee, in the amount of Five Hundred Dollars
20 (\$500.00), which shall be paid at the same time and in the same
21 manner as the license fees prescribed by paragraph 12 of subsection
22 A of this section; provided, this fee shall not be assessed against
23 service organizations or fraternal beneficiary societies which are

24

1 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
2 Code.

3 2. There shall be added to the fee for a mixed beverage/caterer
4 combination license an administrative fee, which shall not be deemed
5 to be a license fee, in the amount of Two Hundred Fifty Dollars
6 (\$250.00), which shall be paid at the same time and in the same
7 manner as the license fee prescribed by paragraph 13 of subsection A
8 of this section.

9 C. Notwithstanding the provisions of subsection A of this
10 section:

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

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

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

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

1 F. The holder of a license, issued by the ABLE Commission, for
2 a bottle club located in a county of this state where the sale of
3 alcoholic beverages by the individual drink for on-premises
4 consumption has been authorized, may exchange the bottle club
5 license for a mixed beverage license or an on-premises beer and wine
6 license and operate the licensed premises as a mixed beverage
7 establishment or an on-premises beer and wine establishment subject
8 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
9 There shall be no additional fee for such exchange and the mixed
10 beverage license or on-premises beer and wine license issued shall
11 expire one (1) year from the date of issuance of the original bottle
12 club license.

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

- 15 1. Nonresident Seller License..... \$2,500.00
- 16 2. Manufacturer License:
 - 17 a. 50 cases or less sold in Oklahoma in
 - 18 last calendar year..... \$100.00
 - 19 b. 51 to 500 cases sold in Oklahoma in
 - 20 last calendar year..... \$225.00
 - 21 c. 501 cases or more sold in Oklahoma in
 - 22 last calendar year..... \$450.00
- 23 3. Wine and Spirits Wholesaler License..... \$2,500.00
- 24 4. Beer Distributor..... \$1,000.00

- 1 5. Retail Spirits License for cities and towns
- 2 over 5,000 population..... \$250.00
- 3 6. Retail Spirits License for cities and towns
- 4 from 2,501 to 5,000 population..... \$200.00
- 5 7. Retail Spirits License for cities and towns
- 6 from 200 to 2,500 population..... \$150.00
- 7 8. Retail Wine License..... \$250.00
- 8 9. Retail Beer License..... \$250.00
- 9 10. Mixed Beverage License..... \$25.00
- 10 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 11 12. Caterer License..... \$25.00
- 12 13. On-Premises Beer and Wine License..... \$25.00
- 13 14. Annual Public Event License..... \$25.00
- 14 15. Small Farm Winery License..... \$25.00
- 15 16. Small Brewer License..... \$35.00
- 16 17. Complimentary Beverage License..... \$25.00

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

22 H. Any license issued by the ABLE Commission under this title
23 may be relied upon by other licensees as a valid license, and no
24 other licensee shall have any obligation to independently determine

1 the validity of such license or be held liable solely as a
2 consequence of another licensee's failure to maintain a valid
3 license.

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

6 Section 2-112. A caterer license shall authorize the holder
7 thereof to sell mixed beverages for on-premises consumption
8 incidental to the sale or distribution of food at particular
9 functions, occasions or events which are temporary in nature or at
10 event venues. A caterer license shall not be issued in lieu of a
11 mixed beverage license. A caterer license shall only be issued in
12 counties of this state where the sale of alcoholic beverages by the
13 individual drink for on-premises consumption has been authorized. A
14 separate license shall be required for each place of business.

15 SECTION 5. AMENDATORY 37A O.S. 2021, Section 2-113, as
16 amended by Section 1, Chapter 42, O.S.L. 2023 (37A O.S. Supp. 2023,
17 Section 2-113), is amended to read as follows:

18 Section 2-113. A. 1. A caterer license may be issued to any
19 person for the purpose of sale, delivery or distribution of
20 alcoholic beverages incidental to the sale or distribution of food
21 on a premises not licensed by the ABLE Commission or on the premises
22 of holders of an event venue license. For purposes of this section,
23 "incidental to the sale or distribution of food" means food sales
24 constituting at least thirty-five percent (35%) of the caterer's

1 total combined annual sales. A caterer license shall not be issued
2 to a person whose main purpose is the sale of alcoholic beverages.

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

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

18 4. Each caterer shall submit a monthly event report containing
19 information on all events scheduled for the subsequent month. If an
20 event is scheduled after the first day of the month for an event to
21 occur in the same month, then the caterer shall report that event
22 within twenty-four (24) hours of scheduling the event or within
23 twenty-four (24) hours prior to the event, whichever occurs first.

24

1 The monthly event report shall be submitted on the first day of each
2 month.

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

9 6. Any caterer who fails to submit a monthly report shall have
10 the caterer license automatically suspended until such time that the
11 caterer has fully complied with all reporting requirements. Any
12 caterer whose annual food sales do not exceed thirty-five percent
13 (35%) of his or her total annual combined sales shall not have the
14 caterer's license renewed.

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

17 C. The restrictions and rules which apply to the sale of mixed
18 beverages on the premises of a mixed beverage licensee also apply to
19 the sale under the authority of a caterer license. Any act which if
20 done on the premises of a mixed beverage licensee would be a ground
21 for revocation or suspension of the mixed beverage license is a
22 ground for revocation or suspension of a caterer license.

23 D. If the premises where the event being catered is held are
24 already operating pursuant to another type of license issued by the

1 ABLE Commission, the caterer and the other licensee shall both be
2 responsible for the actions of the caterer and shall both be subject
3 to penalties for violations by the caterer of the Oklahoma Alcoholic
4 Beverage Control Act and any rules promulgated thereto. This
5 subsection shall not apply to the holder of an event license.

6 E. A caterer licensee may not store alcoholic beverages unless
7 the licensee has a storage license issued by the ABLE Commission. A
8 caterer licensee selling beer and cider to consumers shall only
9 purchase such beer and cider from the distributor or wholesaler
10 within the county in which the licensee will be selling the beer and
11 cider to consumers.

12 F. A caterer may provide alcoholic beverage sales on the
13 premises of a person currently applying for an on-premises beer and
14 wine license, mixed beverage/caterer combination license, or mixed
15 beverage license, provided the following terms have been satisfied:

16 1. The caterer shall take reasonable steps to ensure that the
17 on-premises beer and wine applicant, mixed beverage/caterer
18 combination applicant, or mixed beverage applicant uses only
19 licensed employees to perform licensable activities while using the
20 caterer's license. The caterer shall use his or her best efforts to
21 attempt to have a licensed employee on-site supervising the sale of
22 such caterer's alcoholic beverages at all times, but the caterer
23 shall not be disciplined for failing to have a licensed employee on-
24 site. The caterer expressly acknowledges that he or she is liable

1 for all violations of the Oklahoma Alcoholic Beverage Control Act
2 and rules of the ABLE Commission that are committed by the on-
3 premises beer and wine applicant, the mixed beverage/caterer
4 combination applicant, or the mixed beverage applicant and its
5 employees during this period;

6 2. The caterer and the on-premises beer and wine applicant, the
7 mixed beverage/caterer combination applicant, or the mixed beverage
8 applicant must submit to the ABLE Commission a written agreement
9 setting forth all the terms of the catering agreement at least
10 twenty-four (24) hours prior to the commencement of the catered
11 event; and

12 3. The caterer may not provide alcoholic beverage sales on the
13 unlicensed premises of the on-premises beer and wine applicant,
14 mixed beverage/caterer combination applicant, or the mixed beverage
15 applicant for more than sixty (60) days, or after the applicant's
16 license has been denied, whichever occurs first.

17 G. A caterer may provide alcoholic beverage services for
18 temporary public events which have been licensed and approved by the
19 ABLE Commission.

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

24

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

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 5-163 of Title 37A, unless there
8 is created a duplication in numbering, reads as follows:

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

13 B. An event venue shall display all licenses issued by the ABLE
14 Commission in a conspicuous place at all times on the licensed
15 premises.

16 C. An event venue, as defined in Section 1-103 of Title 37A of
17 the Oklahoma Statutes, which does not permit alcoholic beverages on
18 its premises, which already holds a mixed beverage license, on-
19 premises beer and wine license, small brewer license, brewpub
20 license, winemaker license, small farm winery license, which is the
21 site of an event for the holder of a public event, special event,
22 charitable event license, or has a contract with a caterer or
23 caterers that are already holders of a mixed beverage/caterer
24

1 combination license, shall not be required to obtain an event venue
2 license pursuant to this section.

3 D. The ABLE Commission shall promulgate rules necessary for the
4 implementation of this section.

5 SECTION 7. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
7 February 12, 2024 - DO PASS
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