

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1723

By: Marti

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5  
6 AS INTRODUCED

7 An Act relating to amending 37A O.S. 2021, Section 2-  
8 109, which relates to retail spirits license;  
clarifying authorizations; and declaring an  
9 emergency.

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

12 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, is  
13 amended to read as follows:

14 Section 2-109. A. A retail spirits license shall authorize the  
15 holder thereof:

16 1. To purchase wine or spirits from a wine and spirits  
17 wholesaler;

18 2. To purchase beer from a beer distributor or from the holder  
19 of a small brewer self-distribution license;

20 3. To sell same on the licensed premises in such containers to  
21 consumers for off-premises consumption only and not for resale;  
22 provided, spirits, wine and beer may be sold to charitable  
23 organizations that are holders of charitable alcoholic beverage  
24 auction or charitable alcoholic beverage event licenses; and

1 4. To host alcoholic beverage tastings consistent with  
2 subsections D and E of this section.

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

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

5 2. To purchase wine from a small farm winemaker who is  
6 permitted and has elected to self-distribute as provided in Article  
7 XXVIII-A of the Oklahoma Constitution;

8 3. To sell same on the licensed premises in such containers to  
9 consumers for off-premises consumption only and not for resale;  
10 provided, wine may be sold to charitable organizations that are  
11 holders of charitable alcoholic beverage auction or charitable  
12 alcoholic beverage event licenses; and

13 4. To host an alcoholic beverage tasting, consistent with  
14 subsections D and E of this section.

15 Provided, no holder of a retail wine license may sell wine with  
16 alcohol beverage volume in excess of fifteen percent (15%).

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

18 1. To purchase beer from a beer distributor;

19 2. To purchase beer from the holder of a small brewer self-  
20 distribution license;

21 3. To sell ~~same~~ beer, wine, or spirits, refrigerated or non-  
22 refrigerated, on the licensed premises in such containers to  
23 consumers for off-premises consumption only and not for resale;  
24 provided, beer may be sold to charitable organizations that are

1 holders of charitable alcoholic beverage auction or charitable  
2 alcoholic beverage event licenses; and

3 4. To host alcoholic beverage tastings consistent with  
4 subsections D and E of this section.

5 Provided, no holder of a retail beer license may sell a malt  
6 beverage with alcohol beverage volume in excess of fifteen percent  
7 (15%).

8 D. All tastings conducted under this section shall:

9 1. Be conducted under the direct supervision of the licensee  
10 authorized to host the tasting;

11 2. Be poured by any ABLE Commission licensee lawfully permitted  
12 to serve alcoholic beverages, provided no wine or spirits  
13 wholesaler, beer distributor or employee of a wine or spirits  
14 wholesaler or beer distributor shall be allowed to pour samples for  
15 tastings;

16 3. Use alcoholic beverages purchased by the licensee authorized  
17 to host the tastings from a licensed wine and spirits wholesaler,  
18 beer distributor, self-distributor, small brewer or self-  
19 distributing winery authorized to sell the same, and the licensee  
20 shall pay the applicable taxes on the alcoholic beverages purchased;  
21 provided, the licensee may only provide samples of alcoholic  
22 beverages that its license is authorized to sell;

23 4. Be restricted to persons twenty-one (21) years of age or  
24 older;

1           5. Be limited to no more than one (1) fluid ounce of spirits,  
2 two (2) fluid ounces of wine or three (3) fluid ounces of beer per  
3 consumer per day; and

4           6. Be consumed on the licensed premises of the licensee  
5 authorized to host the tastings or at a location other than the  
6 licensed premises, provided no samples served on the licensed  
7 premises shall be permitted to be removed from the licensed  
8 premises.

9           E. All licensees authorized to serve samples pursuant to  
10 subsection D of this section shall ensure that:

11           1. All samples are poured only from original sealed packaging;

12           2. Any alcoholic beverages remaining in unsealed packaging used  
13 to provide samples, excluding spirits, are poured out by the end of  
14 the day;

15           3. No more than six (6) bottles of alcoholic beverages are  
16 unsealed at any given time; and

17           4. No person shall remove any samples from the licensed  
18 premises or location where the tasting has occurred.

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

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24           59-1-6521           JL           12/29/22