

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, as
6 last amended by Section 1, Chapter 416, O.S.L. 2024 (37A O.S. Supp.
7 2024, Section 1-103), is amended to read as follows:

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

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

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

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

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

3 5. "Beer" means any beverage containing more than one-half of
4 one percent (0.50%) of alcohol by volume and obtained by the
5 alcoholic fermentation of an infusion or decoction of barley, or
6 other grain, sugar, malt or similar products. For the purposes of
7 taxation, distribution, sales, and regulation, seltzer shall mean
8 the same as beer as provided in this section. Beer may or may not
9 contain hops or other vegetable products. Beer includes, among
10 other things, beer, ale, stout, lager beer, porter, seltzer, and
11 other malt or brewed liquors, but does not include sake, known as
12 Japanese rice wine;

13 6. "Beer keg" means any brewer-sealed, single container that
14 contains not less than four (4) gallons of beer;

15 7. "Beer distributor" means and includes any person licensed to
16 distribute beer for retail sale in this state, but does not include
17 a holder of a small brewer self-distribution license or brewpub
18 self-distribution license. The term distributor, as used in the
19 Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
20 to a beer distributor;

21 8. "Bottle club" means any establishment in a county which has
22 not authorized the retail sale of alcoholic beverages by the
23 individual drink, which is required to be licensed to keep, mix and
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1 serve alcoholic beverages belonging to club members on club
2 premises;

3 9. "Bottle service" means the sale and provision of spirits in
4 their original packages by a mixed beverage licensee to be consumed
5 in that mixed beverage licensee's club suite;

6 10. "Brand" means any word, name, group of letters, symbol or
7 combination thereof, that is adopted and used by a licensed brewer
8 to identify a specific beer, wine or spirit and to distinguish that
9 product from another beer, wine or spirit;

10 11. "Brand extension" means:

11 a. after October 1, 2018, any brand of beer or cider
12 introduced by a manufacturer in this state which
13 either:

14 (1) incorporates all or a substantial part of the
15 unique features of a preexisting brand of the
16 same licensed brewer, or

17 (2) relies to a significant extent on the goodwill
18 associated with the preexisting brand, or

19 b. any brand of beer that a brewer, the majority of whose
20 total volume of all brands of beer distributed in this
21 state by such brewer on January 1, 2016, was
22 distributed as low-point beer, desires to sell,
23 introduces, begins selling or theretofore has sold and
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1 desires to continue selling a strong beer in this
2 state which either:

- 3 (1) incorporates or incorporated all or a substantial
4 part of the unique features of a preexisting low-
5 point beer brand of the same licensed brewer, or
6 (2) relies or relied to a significant extent on the
7 goodwill associated with a preexisting low-point
8 beer brand;

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

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

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

1 15. "Club suite" means a designated area within the premises of
2 a mixed beverage licensee designed to provide an exclusive space
3 which is limited to a patron or patrons specifically granted access
4 by a mixed beverage licensee and is not accessible to other patrons
5 of the mixed beverage licensee or the public. A club suite must
6 have a clearly designated point of access for a patron or patrons
7 specifically granted access by the mixed beverage licensee to ensure
8 that persons present in the suite are limited to patrons
9 specifically granted access by the mixed beverage licensee and
10 employees providing services to the club suite;

11 16. "Cocktail" means a type of mixed beverage as defined in
12 Section 7-102 of this title;

13 17. "Convenience store" means any person primarily engaged in
14 retailing a limited range of general household items and groceries,
15 with extended hours of operation, whether or not engaged in retail
16 sales of automotive fuels in combination with such sales;

17 18. "Convicted" and "conviction" mean and include a finding of
18 guilt resulting from a plea of guilty or nolo contendere, the
19 decision of a court or magistrate or the verdict of a jury,
20 irrespective of the pronouncement of judgment or the suspension
21 thereof;

22 19. "Designated products" means the brands of wine or spirits
23 offered for sale by a manufacturer that the manufacturer has
24 assigned to a designated wholesaler for exclusive distribution;

1 20. "Designated wholesaler" means a wine and spirits wholesaler
2 who has been selected by a manufacturer as a wholesaler appointed to
3 distribute designated products;

4 21. "Director" means the Director of the ABLE Commission;

5 22. "Distiller" means any person who produces spirits from any
6 source or substance, or any person who brews or makes mash, wort or
7 wash, fit for distillation or for the production of spirits (except
8 a person making or using such material in the authorized production
9 of wine or beer, or the production of vinegar by fermentation), or
10 any person who by any process separates alcoholic spirits from any
11 fermented substance, or any person who, making or keeping mash, wort
12 or wash, has also in his or her possession or use a still;

13 23. "Distributor agreement" means the written agreement between
14 the distributor and brewer as set forth in Section 3-108 of this
15 title;

16 24. "Drug store" means a person primarily engaged in retailing
17 prescription and nonprescription drugs and medicines;

18 25. "Event venue" means any nongovernmental location, property,
19 space, premises, grounds, building or buildings, or other site that
20 offers to the general public for rent, lease, reservation, or other
21 contractual use, for the hosting of a function, occasion, or event,
22 special, private, or public, of a temporary nature. The location,
23 property, space, premises, grounds, or building or buildings defined
24 in this paragraph shall not include those owned, leased, or occupied

1 by organizations exempt from taxation pursuant to the provisions of
2 the Internal Revenue Code, 26 U.S.C., Section 501(c) (3);

3 26. "Dual-strength beer" means a brand of beer that,
4 immediately prior to April 15, 2017, was being sold and distributed
5 in this state:

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

9 b. as strong beer pursuant to the Oklahoma Alcoholic
10 Beverage Control Act in effect immediately prior to
11 October 1, 2018,

12 and continues to be sold and distributed as such on October 1,
13 2018. Dual-strength beer does not include a brand of beer that
14 arose as a result of a brand extension as defined in this section;

15 ~~26.~~ 27. "Fair market value" means the value in the subject
16 territory covered by the written agreement with the distributor or
17 wholesaler that would be determined in an arm's length transaction
18 entered into without duress or threat of termination of the
19 distributor's or wholesaler's rights and shall include all elements
20 of value, including goodwill and going-concern value;

21 ~~27.~~ 28. "Good cause" means:

22 a. failure by the distributor to comply with the material
23 and reasonable provisions of a written agreement or
24 understanding with the brewer, or

1 b. failure by the distributor to comply with the duty of
2 good faith;

3 ~~28.~~ 29. "Good faith" means the duty of each party to any
4 distributor agreement and all officers, employees or agents thereof
5 to act with honesty in fact and within reasonable standards of fair
6 dealing in the trade;

7 ~~29.~~ 30. "Grocery store" means a person primarily engaged in
8 retailing a general line of food, such as canned or frozen foods,
9 fresh fruits and vegetables, and fresh and prepared meats, fish and
10 poultry;

11 ~~30.~~ 31. "Hotel" or "motel" means an establishment which is
12 licensed to sell alcoholic beverages by the individual drink and
13 which contains guest room accommodations with respect to which the
14 predominant relationship existing between the occupants thereof and
15 the owner or operator of the establishment is that of innkeeper and
16 guest. For purposes of this section, the existence of other legal
17 relationships as between some occupants and the owner or operator
18 thereof shall be immaterial;

19 ~~31.~~ 32. "Legal newspaper" means a newspaper meeting the
20 requisites of a newspaper for publication of legal notices as
21 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
22 Statutes;

23 ~~32.~~ 33. "Licensee" means any person holding a license under the
24 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or

1 employee of such licensee while in the performance of any act or
2 duty in connection with the licensed business or on the licensed
3 premises;

4 ~~33.~~ 34. "Low-point beer" shall mean any beverages containing
5 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
6 not more than three and two-tenths percent (3.2%) alcohol by weight,
7 including but not limited to beer or cereal malt beverages obtained
8 by the alcoholic fermentation of an infusion by barley or other
9 grain, malt or similar products;

10 ~~34.~~ 35. "Manufacturer" means a distiller, winemaker, rectifier
11 or bottler of any alcoholic beverage (other than beer) and its
12 subsidiaries, affiliates and parent companies;

13 ~~35.~~ 36. "Manufacturer's agent" means a salaried or commissioned
14 salesperson who is the agent authorized to act on behalf of the
15 manufacturer or nonresident seller in this state;

16 ~~36.~~ 37. "Meals" means foods commonly ordered at lunch or dinner
17 and at least part of which is cooked on the licensed premises and
18 requires the use of dining implements for consumption. Provided,
19 that the service of only food such as appetizers, sandwiches, salads
20 or desserts shall not be considered meals;

21 ~~37.~~ 38. "Mini-bar" means a closed container, either
22 refrigerated in whole or in part, or unrefrigerated, and access to
23 the interior of which is:

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

4 ~~38.~~ 39. "Mixed beverage cooler" means any beverage, by whatever
5 name designated, consisting of an alcoholic beverage and fruit or
6 vegetable juice, fruit or vegetable flavorings, dairy products or
7 carbonated water containing more than one-half of one percent (1/2
8 of 1%) of alcohol measured by volume but not more than seven percent
9 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
10 packaged in a container not larger than three hundred seventy-five
11 (375) milliliters. Such term shall include but not be limited to
12 the beverage popularly known as a "wine cooler";

13 ~~39.~~ 40. "Mixed beverages" means one or more servings of a
14 beverage composed in whole or in part of an alcoholic beverage in a
15 sealed or unsealed container of any legal size for consumption on
16 the premises where served or sold by the holder of a mixed beverage,
17 beer and wine, caterer, public event, charitable event or special
18 event license; provided, that a beer, cider, or wine mixed with
19 ingredients nonalcoholic in nature including, but not limited to,
20 water, juice, sugar, fruits, or vegetables and sold by a small
21 brewer, brewpub, small farm winery, or winemaker, shall not be
22 considered a mixed beverage so long as such small brewer, brewpub,
23 small farm winery, or winemaker does not also hold an on-premises
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1 beer and wine, mixed beverage, caterer, public event, or special
2 event license, if permitted by law;

3 ~~40.~~ 41. "Motion picture theater" means an establishment which
4 is licensed by Section 2-110 of this title to sell alcoholic
5 beverages by the individual drink and where motion pictures are
6 exhibited, and to which the general public is admitted;

7 ~~41.~~ 42. "Nondesignated products" means the brands of wine or
8 spirits offered for sale by a manufacturer that have not been
9 assigned to a designated wholesaler;

10 ~~42.~~ 43. "Nonresident seller" means any person licensed pursuant
11 to Section 2-135 of this title;

12 ~~43.~~ 44. "Retail salesperson" means a salesperson soliciting
13 orders from and calling upon retail alcoholic beverage stores with
14 regard to his or her product;

15 ~~44.~~ 45. "Occupation" as used in connection with "occupation
16 tax" means the sites occupied as the places of business of the
17 manufacturers, brewers, wholesalers, beer distributors, retailers,
18 mixed beverage licensees, on-premises beer and wine licensees,
19 bottle clubs, caterers, public event and special event licensees;

20 ~~45.~~ 46. "Original package" means any container of alcoholic
21 beverage filled and stamped or sealed by the manufacturer or brewer;

22 ~~46.~~ 47. "Package store" means any sole proprietor or
23 partnership that qualifies to sell wine, beer and/or spirits for
24 off-premises consumption and that is not a grocery store,

1 convenience store or drug store, or other retail outlet that is not
2 permitted to sell wine or beer for off-premises consumption;

3 ~~47.~~ 48. "Patron" means any person, customer or visitor who is
4 not employed by a licensee or who is not a licensee;

5 ~~48.~~ 49. "Person" means an individual, any type of partnership,
6 corporation, association, limited liability company or any
7 individual involved in the legal structure of any such business
8 entity;

9 ~~49.~~ 50. "Premises" means the grounds and all buildings and
10 appurtenances pertaining to the grounds including any adjacent
11 premises if under the direct or indirect control of the licensee and
12 the rooms and equipment under the control of the licensee and used
13 in connection with or in furtherance of the business covered by a
14 license. Provided, that the ABLE Commission shall have the
15 authority to designate areas to be excluded from the licensed
16 premises solely for the purpose of:

- 17 a. allowing the presence and consumption of alcoholic
18 beverages by private parties which are closed to the
19 general public, or
20 b. allowing the services of a caterer serving alcoholic
21 beverages provided by a private party.

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

1 ~~50.~~ 51. "Private event" means a social gathering or event
2 attended by invited guests who share a common cause, membership,
3 business or task and have a prior established relationship. For
4 purposes of this definition, advertisement for general public
5 attendance or sales of tickets to the general public shall not
6 constitute a private event;

7 ~~51.~~ 52. "Public event" means any event that can be attended by
8 the general public;

9 ~~52.~~ 53. "Rectifier" means any person who rectifies, purifies or
10 refines spirits or wines by any process (other than by original and
11 continuous distillation, or original and continuous processing, from
12 mash, wort, wash or other substance, through continuous closed
13 vessels and pipes, until the production thereof is complete), and
14 any person who, without rectifying, purifying or refining spirits,
15 shall by mixing (except for immediate consumption on the premises
16 where mixed) such spirits, wine or other liquor with any material,
17 manufactures any spurious, imitation or compound liquors for sale,
18 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
19 or any other name;

20 ~~53.~~ 54. "Regulation" or "rule" means a formal rule of general
21 application promulgated by the ABLE Commission as herein required;

22 ~~54.~~ 55. "Restaurant" means an establishment that is licensed to
23 sell alcoholic beverages by the individual drink for on-premises
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1 consumption and where food is prepared and sold for immediate
2 consumption on the premises;

3 ~~55.~~ 56. "Retail container for spirits and wines" means an
4 original package of any capacity approved by the United States
5 Bureau of Alcohol, Tobacco, Firearms and Explosives;

6 ~~56.~~ 57. "Retailer" means a package store, grocery store,
7 convenience store or drug store licensed to sell alcoholic beverages
8 for off-premises consumption pursuant to a retail spirits license,
9 retail wine license or retail beer license;

10 ~~57.~~ 58. "Sale" means any transfer, exchange or barter in any
11 manner or by any means whatsoever, and includes and means all sales
12 made by any person, whether as principal, proprietor or as an agent,
13 servant or employee. The term sale is also declared to be and
14 include the use or consumption in this state of any alcoholic
15 beverage obtained within or imported from without this state, upon
16 which the excise tax levied by the Oklahoma Alcoholic Beverage
17 Control Act has not been paid or exempted;

18 ~~58.~~ 59. "Seltzer" means any beverage containing more than one-
19 half of one percent (0.50%) of alcohol by volume and obtained by the
20 alcoholic fermentation of malt, rice, grain of any kind, bran,
21 glucose, sugar, or molasses and combined with carbonated water and
22 other flavoring and labeled as "beer" by the Internal Revenue Code;
23 provided, that seltzer shall not include carbonated beverages mixed
24 with wine or spirits;

1 ~~59.~~ 60. "Short-order food" means food other than full meals
2 including but not limited to sandwiches, soups and salads.
3 Provided, that popcorn, chips and other similar snack food shall not
4 be considered short-order food;

5 ~~60.~~ 61. "Small brewer" means a brewer who manufactures less
6 than sixty-five thousand (65,000) barrels of beer annually pursuant
7 to a validly issued small brewer license hereunder;

8 ~~61.~~ 62. "Small farm wine" means a wine that is produced by a
9 small farm winery with seventy-five percent (75%) or more Oklahoma-
10 grown grapes, berries, other fruits, honey or vegetables;

11 ~~62.~~ 63. "Small farm winery" means a wine-making establishment
12 that does not annually produce for sale more than fifteen thousand
13 (15,000) gallons of wine as reported on the United States Department
14 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
15 Wine Premises Operations (TTB Form 5120.17);

16 ~~63.~~ 64. "Sparkling wine" means champagne or any artificially
17 carbonated wine;

18 ~~64.~~ 65. "Special event" means an entertainment, recreation or
19 marketing event that occurs at a single location on an irregular
20 basis and at which alcoholic beverages are sold;

21 ~~65.~~ 66. "Spirits" means any beverage other than wine or beer,
22 which contains more than one-half of one percent (1/2 of 1%) alcohol
23 measured by volume, and obtained by distillation, whether or not
24 mixed with other substances in solution and includes those products

1 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
2 fortified wines and similar compounds, but shall not include any
3 alcohol liquid completely denatured in accordance with the Acts of
4 Congress and regulations pursuant thereto;

5 ~~66.~~ 67. "Strong beer" means beer which, prior to October 1,
6 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
7 Control Act, Section 1-101 et seq. of this title;

8 ~~67.~~ 68. "Successor brewer" means a primary source of supply, a
9 brewer, a cider manufacturer or an importer that acquires rights to
10 a beer or cider brand from a predecessor brewer;

11 ~~68.~~ 69. "Tax Commission" means the Oklahoma Tax Commission;

12 ~~69.~~ 70. "Territory" means a geographic region with a specified
13 boundary;

14 ~~70.~~ 71. "Wine and spirits wholesaler" or "wine and spirits
15 distributor" means and includes any sole proprietorship or
16 partnership licensed to distribute wine and spirits in this state.
17 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
18 Control Act, shall be construed to refer to a wine and spirits
19 wholesaler;

20 ~~71.~~ 72. "Wine" means and includes any beverage containing more
21 than one-half of one percent (1/2 of 1%) alcohol by volume and not
22 more than twenty-four percent (24%) alcohol by volume at sixty (60)
23 degrees Fahrenheit obtained by the fermentation of the natural
24 contents of fruits, vegetables, honey, milk or other products

1 containing sugar, whether or not other ingredients are added, and
2 includes vermouth and sake, known as Japanese rice wine;

3 ~~72.~~ 73. "Winemaker" means and includes any person or
4 establishment who manufactures for human consumption any wine upon
5 which a license fee and a tax are imposed by any law of this state;

6 ~~73.~~ 74. "Satellite tasting room" means a licensed establishment
7 operated off the licensed premises of the holder of a small farm
8 winery or winemaker license, which serves wine for on-premises or
9 off-premises consumption; and

10 ~~74.~~ 75. "Straw testing" means the consumption of a de minimis
11 amount of an alcoholic beverage by sanitary means by the holder of
12 an employee license, twenty-one (21) years of age or older, to
13 determine the quality or desired flavor profile of such alcoholic
14 beverage that has been serviced, or is to be served, to a patron.

15 Words in the plural include the singular, and vice versa, and
16 words imparting the masculine gender include the feminine, as well
17 as persons and licensees as defined in this section.

18 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, as
19 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,
20 Section 2-101), is amended to read as follows:

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

- 24 1. Brewer License..... \$1,250.00

1		(initial license)	
2			\$450.00
3		(renewal)	
4	15.	Bottle Club License.....	\$1,000.00
5		(initial license)	
6			\$900.00
7		(renewal)	
8	16.	Caterer License.....	\$1,005.00
9		(initial license)	
10			\$905.00
11		(renewal)	
12	17.	Annual Special Event License.....	\$55.00
13	18.	Quarterly Special Event License.....	\$55.00
14	19.	Hotel Beverage License.....	\$1,005.00
15		(initial license)	
16			\$905.00
17		(renewal)	
18	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
19		License.....	\$1,005.00
20		(initial license)	
21			\$905.00
22		(renewal)	
23	21.	Agent License.....	\$55.00
24	22.	Employee License.....	\$30.00

1	23.	Industrial License.....	\$23.00
2	24.	Carrier License.....	\$23.00
3	25.	Private Carrier License.....	\$23.00
4	26.	Bonded Warehouse License.....	\$190.00
5	27.	Storage License.....	\$23.00
6	28.	Nonresident Seller License	\$750.00
7	29.	Manufacturer License:	
8	a.	50 cases or less sold in Oklahoma in	
9		last calendar year.....	\$50.00
10	b.	51 to 500 cases sold in Oklahoma in	
11		last calendar year.....	\$75.00
12	c.	501 cases or more sold in Oklahoma in	
13		last calendar year.....	\$150.00
14	30.	Manufacturer's Agent License.....	\$55.00
15	31.	Sacramental Wine Supplier License.....	\$100.00
16	32.	Charitable Auction License.....	\$1.00
17	33.	Charitable Alcoholic Beverage License.....	\$55.00
18	34.	Winemaker Self-Distribution License:	
19	a.	produced ten thousand (10,000) gallons	
20		or less in last calendar year.....	\$350.00
21	b.	produced more than ten thousand	
22		(10,000) gallons but no more than	
23		fifteen thousand (15,000) gallons in	
24		last calendar year.....	\$750.00

- 1 35. Annual Public Event License..... \$1,005.00
- 2 36. One-Time Public Event License..... \$255.00
- 3 37. Small Brewer Self-Distribution License:
- 4 a. produced fifteen thousand (15,000)
- 5 barrels or less in last calendar year..... \$350.00
- 6 b. produced more than fifteen thousand
- 7 (15,000) barrels in last calendar year..... \$750.00
- 8 38. Brewpub License..... \$1,005.00
- 9 39. Brewpub Self-Distribution License..... \$750.00
- 10 40. Complimentary Beverage License..... \$75.00
- 11 41. Satellite Tasting Room License..... \$100.00
- 12 42. Event Bartender License..... \$50.00

13 B. 1. There shall be added to the initial or renewal fees for
14 a mixed beverage license an administrative fee, which shall not be
15 deemed to be a license fee, in the amount of Five Hundred Dollars
16 (\$500.00), which shall be paid at the same time and in the same
17 manner as the license fees prescribed by paragraph 12 of subsection
18 A of this section; provided, this fee shall not be assessed against
19 service organizations or fraternal beneficiary societies which are
20 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
21 Code.

22 2. There shall be added to the fee for a mixed beverage/caterer
23 combination license an administrative fee, which shall not be deemed
24 to be a license fee, in the amount of Two Hundred Fifty Dollars

1 (\$250.00), which shall be paid at the same time and in the same
2 manner as the license fee prescribed by paragraph 13 of subsection A
3 of this section.

4 C. Notwithstanding the provisions of subsection A of this
5 section:

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

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

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

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

20 F. The holder of a license, issued by the ABLE Commission, for
21 a bottle club located in a county of this state where the sale of
22 alcoholic beverages by the individual drink for on-premises
23 consumption has been authorized, may exchange the bottle club
24 license for a mixed beverage license or an on-premises beer and wine

1 license and operate the licensed premises as a mixed beverage
2 establishment or an on-premises beer and wine establishment subject
3 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
4 There shall be no additional fee for such exchange and the mixed
5 beverage license or on-premises beer and wine license issued shall
6 expire one (1) year from the date of issuance of the original bottle
7 club license.

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

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

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

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

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

24

1 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-113, as
2 last amended by Section 1, Chapter 238, O.S.L. 2024 (37A O.S. Supp.
3 2024, Section 2-113), is amended to read as follows:

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

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

21 3. Each caterer shall submit an annual sales report containing
22 revenue attributable to alcoholic beverages, food and all other
23 revenues attributable to the catering service. The annual sales
24 report must be submitted thirty (30) days prior to expiration of the

1 caterer license on forms prescribed by the ABLE Commission. The
2 caterer license may not be renewed if the caterer fails to provide
3 complete or sufficient financial data.

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

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

18 6. Any caterer who fails to submit a monthly report shall have
19 the caterer license automatically suspended until such time that the
20 caterer has fully complied with all reporting requirements. Any
21 caterer whose annual food sales do not exceed thirty-five percent
22 (35%) of his or her total annual combined sales shall not have the
23 caterer's license renewed.

24

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

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

9 D. If the premises where the event being catered is held are
10 already operating pursuant to another type of license issued by the
11 ABLE Commission, the caterer and the other licensee shall both be
12 responsible for the actions of the caterer and shall both be subject
13 to penalties for violations by the caterer of the Oklahoma Alcoholic
14 Beverage Control Act and any rules promulgated thereto.

15 E. A caterer licensee may not store alcoholic beverages unless
16 the licensee has a storage license issued by the ABLE Commission. A
17 caterer licensee selling beer and cider to consumers shall only
18 purchase such beer and cider from the distributor or wholesaler
19 within the county in which the licensee will be selling the beer and
20 cider to consumers.

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

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

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

21 3. The caterer may not provide alcoholic beverage sales on the
22 unlicensed premises of the on-premises beer and wine applicant,
23 mixed beverage/caterer combination applicant, or the mixed beverage
24

1 applicant for more than sixty (60) days, or after the applicant's
2 license has been denied, whichever occurs first;

3 4. The caterer may be issued a storage license to be used to
4 store any alcoholic beverages purchased pursuant to this subsection
5 on the unlicensed premises of the applicant during the period of the
6 written agreement; and

7 5. Upon the issuance of a license to the on-premises beer and
8 wine applicant, the mixed beverage/caterer combination applicant, or
9 the mixed beverage applicant, any alcoholic beverages on the
10 licensed storage premises may be transferred by the caterer to the
11 on-premises beer and wine licensee, the mixed beverage/caterer
12 combination licensee, or the mixed beverage licensee consistent with
13 the provisions of Section 2-155 of this title.

14 G. A caterer may provide alcoholic beverage services for
15 temporary public events which have been licensed and approved by the
16 ABLE Commission.

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

21 I. All alcoholic beverages served on the premises of an event
22 venue must be served by an ABLE licensed caterer or event bartender
23 licensee. As a prerequisite to the issuance of an event bartender
24 license, not later than fourteen (14) days after initial licensure,

1 the event bartender licensee shall be required to have successfully
2 completed an in-person training program conducted by an entity
3 approved by the ABLE Commission. Proof of training completion shall
4 be made available for inspection by the ABLE Commission at the event
5 venue location. The failure of an event bartender to comply with
6 this section may constitute a revocable offense.

7 SECTION 5. This act shall become effective November 1, 2025.

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9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 OVERSIGHT, dated 03/06/2025 - DO PASS, As Amended and Coauthored.

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