

1 **SENATE FLOOR VERSION**

2 March 6, 2025

3 SENATE BILL NO. 1094

By: Coleman

4  
5 An Act relating to alcoholic beverage licenses;  
6 amending 37A O.S. 2021, Sections 2-109, as amended by  
7 Section 2, Chapter 90, O.S.L. 2024, and 2-110, as  
8 last amended by Section 1, Chapter 417, O.S.L. 2024  
9 (37A O.S. Supp. 2024, Sections 2-109 and 2-110),  
10 which relate to retail wine, retail beer, retail  
11 spirits, and mixed beverage licenses; allowing  
12 certain licensees to sell certain beverages for off-  
13 premise consumption; prohibiting the Alcoholic  
14 Beverage Laws Enforcement (ABLE) Commission from  
15 promulgating certain rules; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-109, as  
19 amended by Section 2, Chapter 90, O.S.L. 2024 (37A O.S. Supp. 2024,  
20 Section 2-109), is amended to read as follows:

21 Section 2-109. A. A retail spirits license shall authorize the  
22 holder thereof:

23 1. To purchase wine or spirits from a wine and spirits  
24 wholesaler;

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

3. To sell same on the licensed premises in such containers to  
consumers for off-premises consumption only and not for resale;

1 provided, spirits, wine and beer may be sold to charitable  
2 organizations that are holders of charitable alcoholic beverage  
3 auction or charitable alcoholic beverage event licenses; and

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

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

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

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

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

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

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

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

21 1. To purchase beer from a beer distributor;

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

24

1        3. To sell same on the licensed premises in such containers to  
2 consumers for off-premises consumption only and not for resale;  
3 provided, beer may be sold to charitable organizations that are  
4 holders of charitable alcoholic beverage auction or charitable  
5 alcoholic beverage event licenses; and

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

8        Provided, no holder of a retail beer license may sell a malt  
9 beverage with alcohol beverage volume in excess of fifteen percent  
10 (15%).

11        D. All tastings conducted under this section shall:

12        1. Be conducted under the direct supervision of the licensee  
13 authorized to host the tasting;

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

19        3. Use alcoholic beverages purchased by the licensee authorized  
20 to host the tastings from a licensed wine and spirits wholesaler,  
21 beer distributor, self-distributor, small brewer or self-  
22 distributing winery authorized to sell the same, and the licensee  
23 shall pay the applicable taxes on the alcoholic beverages purchased;

24

1 provided, the licensee may only provide samples of alcoholic  
2 beverages that its license is authorized to sell;

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

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

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

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

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

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

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

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

23 F. 1. Retail spirits, retail wine, and retail beer licensees  
24 shall be authorized to host educational alcoholic beverage training,

1 which includes tastings, for employees who are licensed to sell such  
2 beverages on the licensed premises in such containers to consumers  
3 for off-premises consumption only. Alcoholic beverages for training  
4 purposes may be provided by wine and spirits wholesaler licensees  
5 and beer distributor licensees.

6 2. All such tastings shall be consumed on licensed premises of  
7 the licensee authorized to host the tastings or at a location other  
8 than the licensed premises, and under the direct supervision of the  
9 licensee. Samples shall be poured by a licensee who is lawfully  
10 permitted to serve alcoholic beverages on the licensed premises in  
11 such containers to consumers for off-premises consumption only in  
12 this state. Tastings shall be restricted to employees who are  
13 twenty-one (21) years of age or older. Participation in tastings  
14 for educational purposes may be required by an employer; however,  
15 the choice to taste or consume alcoholic beverages shall always be  
16 voluntary. No employee may be required to taste or consume alcohol  
17 at tastings as a condition of employment.

18 3. An educational tasting of beer may consist of not more than  
19 six separate individual beers of not more than two (2) ounces each,  
20 served together at one time. No employee may sample more than a  
21 total of twelve (12) fluid ounces of beer per day. An educational  
22 tasting of wine may consist of not more than six separate individual  
23 wines of not more than one (1) ounce each, served together at one  
24 time. No employee may sample more than a total of six (6) fluid

1 ounces of wine per day. An educational tasting of spirits shall  
2 consist of not more than three separate individual spirits of not  
3 more than one-half (0.5) ounce each, served together at one time.  
4 No employee may sample more than a total of one and one-half (1.5)  
5 fluid ounces of spirits per day. No employee may sample more than a  
6 total of twelve (12) ounces of beer, six (6) ounces of wine, or one  
7 and one-half (1.5) ounces of spirits per day. Only one type of  
8 alcoholic beverage of beer, wine, or spirits shall be allowed at any  
9 education training tasting. No combination tasting shall be  
10 allowed. Employees who choose to taste an alcoholic beverage but do  
11 not wish to consume the alcoholic beverage shall be allowed to spit  
12 the beverage into a cup for disposal. Employees may participate in  
13 educational tastings before, during, or after regular business hours  
14 unless otherwise prohibited by law. All licensees serving samples  
15 of beer shall ensure that all samples are poured only from original  
16 sealed packaging and any alcoholic beverages remaining in unsealed  
17 packaging used to provide samples, excluding spirits and wine, are  
18 poured out by the end of the day. No more than six bottles of  
19 alcoholic beverages may be unsealed at any given time during a  
20 tasting. All packaging containing samples of wine and spirits shall  
21 be clearly marked as a sample and any unused portions of the sample  
22 of wine or spirits shall be resealed and retained by the wine and  
23 spirits wholesaler for use at the next tasting authorized in this  
24 paragraph. Wine and spirits wholesaler employees may transport any

1 resealed samples of wine and spirits in their vehicles. Beer, wine,  
2 and spirits samples shall not be considered withdrawn from the  
3 inventory of the beer distributor or wine and spirits wholesaler for  
4 purposes of the collection of the excise tax on beer, wine, and  
5 spirits. Tastings offered to licensees by wine and spirits  
6 wholesalers and beer distributors shall not be deemed discrimination  
7 or an inducement under Section 3-123 of this title.

8 G. Retail spirits, retail wine, and retail beer licensees shall  
9 be authorized to sell such beverages on the licensed premises in  
10 such containers to consumers for off-premises consumption.

11 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-110, as  
12 last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp.  
13 2024, Section 2-110), is amended to read as follows:

14 Section 2-110. A. A mixed beverage license shall authorize the  
15 holder thereof:

16 1. To purchase alcohol, spirits, beer and/or wine in retail  
17 containers from the holder of a wine and spirits wholesaler and beer  
18 distributor license as specifically provided by law;

19 2. To sell, offer for sale and possess mixed beverages for on-  
20 premises consumption only, provided:

21 a. the holder of a mixed beverage license issued for an  
22 establishment which is also a restaurant may purchase  
23 wine directly from a winemaker and beer directly from  
24 a small brewer who is permitted and has elected to

1 self-distribute as provided in Article XXVIII-A of the  
2 Oklahoma Constitution, and

3 b. the holder of a mixed beverage license that is also a  
4 holder of a retail wine license or retail beer license  
5 or both a retail wine license and retail beer license  
6 shall not be prohibited from the on-premises sale of  
7 wine or beer, according to the license held, for off-  
8 premises consumption, subject to the limitations of  
9 the retail wine license or retail beer license; and

10 3. To sell spirits in their original packages for consumption  
11 on its premises under the following conditions:

12 a. spirits in their original packages shall remain and be  
13 consumed in the club suite of a mixed beverage  
14 licensee and may not be removed from the club suite if  
15 not consumed in their entirety at or before the  
16 conclusion of the period for which the club suite was  
17 made available to a specific patron or patrons by the  
18 mixed beverage licensee, and

19 b. spirits in their original packages to be consumed in  
20 the club suite are provided exclusively by the mixed  
21 beverage licensee.

22 B. Sales and service of mixed beverages by holders of mixed  
23 beverage licenses shall be limited to the licensed premises of the  
24 licensee unless the holder of the mixed beverage license also

1 obtains a caterer license or a mixed beverage/caterer combination  
2 license, or if the holder of a mixed beverage license is an  
3 Entertainment District Tenant Party as defined in Section 2393 of  
4 Title 68 of the Oklahoma Statutes. A mixed beverage license shall  
5 only be issued in counties of this state where the sale of alcoholic  
6 beverages by the individual drink for on-premises consumption has  
7 been authorized. A separate license shall be required for each  
8 place of business.

9 C. Sales and service of mixed beverages by holders of mixed  
10 beverage licenses of an Entertainment District Tenant Party shall be  
11 limited to the premises of an Entertainment District. For purposes  
12 of this subsection, premises may be defined as the designated area  
13 of an Entertainment District as defined in Section 2393 of Title 68  
14 of the Oklahoma Statutes.

15 D. Holders of a mixed beverage license shall not be prohibited  
16 from obtaining and holding a retail beer license or retail wine  
17 license or both a retail beer license and retail wine license; nor  
18 shall the Alcoholic Beverage Laws Enforcement (ABLE) Commission  
19 promulgate any rule that prevents a holder of a mixed beverage  
20 license from operating within the premises of, or immediately  
21 adjacent to, a retail wine or retail beer license; provided, that  
22 each holder qualifies and maintains the qualifications for each  
23 license held as set forth in this title and the rules promulgated by  
24 the Alcoholic Beverage Laws Enforcement (ABLE) Commission.

1 E. Upon application, a mixed beverage license shall be issued  
2 for any place of business functioning as a motion picture theater,  
3 as defined by Section 1-103 of this title. Provided, that upon  
4 proof of legal age to consume alcohol, every patron being served  
5 alcoholic beverages shall be required to wear a wrist bracelet or  
6 receive a hand stamp identifying the patron as being of legal age to  
7 consume alcohol. This requirement shall only apply inside a motion  
8 picture theater auditorium where individuals under the legal age to  
9 consume alcohol are allowed.

10 F. Holders of a mixed beverage license with a licensed premises  
11 on a business establishment that meets the classification of a golf  
12 course or country club pursuant to the most recently adopted North  
13 American Industry Classification System (NAICS) may also sell beer  
14 in sealed original packages for on-premises consumption. Such  
15 holders' sales of more than two sealed original packages to one  
16 person at one time for on-premises consumption shall not be  
17 considered an unlawful inducement to stimulate consumption of  
18 alcoholic beverages under the Oklahoma Alcoholic Beverage Control  
19 Act, and patrons may remove sealed original packages from the  
20 licensed premises.

21 SECTION 3. This act shall become effective November 1, 2025.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
23 March 6, 2025 - DO PASS  
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