

1 **SENATE FLOOR VERSION**

February 20, 2025

2 **AS AMENDED**

3 SENATE BILL NO. 1099

By: Mann

4  
5  
6 **[ alcoholic beverages - exceptions - vintage  
7 distilled spirits - codification - effective date ]**  
8

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

10 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-103, as  
11 last amended by Section 1, Chapter 416, O.S.L. 2024 (37A O.S. Supp.  
12 2024, Section 1-103), is amended to read as follows:

13 Section 1-103. As used in the Oklahoma Alcoholic Beverage  
14 Control Act:

15 1. "ABLE Commission" or "Commission" means the Alcoholic  
16 Beverage Laws Enforcement Commission;

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

23 3. "Alcoholic beverage" means alcohol, spirits, beer and wine  
24 as those terms are defined herein and also includes every liquid or

1 solid, patented or not, containing alcohol, spirits, wine or beer  
2 and capable of being consumed as a beverage by human beings;

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

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

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

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

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

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

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

13 11. "Brand extension" means:

14 a. after October 1, 2018, any brand of beer or cider  
15 introduced by a manufacturer in this state which  
16 either:

17 (1) incorporates all or a substantial part of the  
18 unique features of a preexisting brand of the  
19 same licensed brewer, or

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

22 b. any brand of beer that a brewer, the majority of whose  
23 total volume of all brands of beer distributed in this  
24 state by such brewer on January 1, 2016, was

1 distributed as low-point beer, desires to sell,  
2 introduces, begins selling or theretofore has sold and  
3 desires to continue selling a strong beer in this  
4 state which either:

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

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

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

19 14. "Cider" means any alcoholic beverage obtained by the  
20 alcoholic fermentation of fruit juice, including but not limited to  
21 flavored, sparkling or carbonated cider. For the purposes of the  
22 manufacture of this product, cider may be manufactured by either  
23 manufacturers or brewers. For the purposes of the distribution of  
24

1 this product, cider may be distributed by either wine and spirits  
2 wholesalers or beer distributors;

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

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

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

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

24

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

4 20. "Designated wholesaler" means a wine and spirits wholesaler  
5 who has been selected by a manufacturer as a wholesaler appointed to  
6 distribute designated products;

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

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

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

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

21 25. "Dual-strength beer" means a brand of beer that,  
22 immediately prior to April 15, 2017, was being sold and distributed  
23 in this state:

24

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

4 b. as strong beer pursuant to the Oklahoma Alcoholic  
5 Beverage Control Act in effect immediately prior to  
6 October 1, 2018,

7 and continues to be sold and distributed as such on October 1, 2018.

8 Dual-strength beer does not include a brand of beer that arose as a  
9 result of a brand extension as defined in this section;

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

16 27. "Good cause" means:

17 a. failure by the distributor to comply with the material  
18 and reasonable provisions of a written agreement or  
19 understanding with the brewer, or

20 b. failure by the distributor to comply with the duty of  
21 good faith;

22 28. "Good faith" means the duty of each party to any  
23 distributor agreement and all officers, employees or agents thereof  
24

1 to act with honesty in fact and within reasonable standards of fair  
2 dealing in the trade;

3 29. "Grocery store" means a person primarily engaged in  
4 retailing a general line of food, such as canned or frozen foods,  
5 fresh fruits and vegetables, and fresh and prepared meats, fish and  
6 poultry;

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

15 31. "Legal newspaper" means a newspaper meeting the requisites  
16 of a newspaper for publication of legal notices as prescribed in  
17 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

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

23 33. "Low-point beer" shall mean any beverages containing more  
24 than one-half of one percent (1/2 of 1%) alcohol by volume, and not



1 more than three and two-tenths percent (3.2%) alcohol by weight,  
2 including but not limited to beer or cereal malt beverages obtained  
3 by the alcoholic fermentation of an infusion by barley or other  
4 grain, malt or similar products;

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

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

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

16 37. "Mini-bar" means a closed container, either refrigerated in  
17 whole or in part, or unrefrigerated, and access to the interior of  
18 which is:

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

22 38. "Mixed beverage cooler" means any beverage, by whatever  
23 name designated, consisting of an alcoholic beverage and fruit or  
24 vegetable juice, fruit or vegetable flavorings, dairy products or

1 carbonated water containing more than one-half of one percent (1/2  
2 of 1%) of alcohol measured by volume but not more than seven percent  
3 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is  
4 packaged in a container not larger than three hundred seventy-five  
5 (375) milliliters. Such term shall include but not be limited to  
6 the beverage popularly known as a "wine cooler";

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

20 40. "Motion picture theater" means an establishment which is  
21 licensed by Section 2-110 of this title to sell alcoholic beverages  
22 by the individual drink and where motion pictures are exhibited, and  
23 to which the general public is admitted;

24

1 41. "Nondesignated products" means the brands of wine or  
2 spirits offered for sale by a manufacturer that have not been  
3 assigned to a designated wholesaler;

4 42. "Nonresident seller" means any person licensed pursuant to  
5 Section 2-135 of this title;

6 43. "Retail salesperson" means a salesperson soliciting orders  
7 from and calling upon retail alcoholic beverage stores with regard  
8 to his or her product;

9 44. "Occupation" as used in connection with "occupation tax"  
10 means the sites occupied as the places of business of the  
11 manufacturers, brewers, wholesalers, beer distributors, retailers,  
12 mixed beverage licensees, on-premises beer and wine licensees,  
13 bottle clubs, caterers, public event and special event licensees;

14 45. "Original package" means any container of alcoholic  
15 beverage filled and stamped or sealed by the manufacturer or brewer;

16 46. "Package store" means any sole proprietor or partnership  
17 that qualifies to sell wine, beer and/or spirits for off-premises  
18 consumption and that is not a grocery store, convenience store or  
19 drug store, or other retail outlet that is not permitted to sell  
20 wine or beer for off-premises consumption;

21 47. "Patron" means any person, customer or visitor who is not  
22 employed by a licensee or who is not a licensee;

23 48. "Person" means an individual, any type of partnership,  
24 corporation, association, limited liability company or any

1 individual involved in the legal structure of any such business  
2 entity;

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

- 11 a. allowing the presence and consumption of alcoholic  
12 beverages by private parties which are closed to the  
13 general public, or
- 14 b. allowing the services of a caterer serving alcoholic  
15 beverages provided by a private party.

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

19 50. "Private event" means a social gathering or event attended  
20 by invited guests who share a common cause, membership, business or  
21 task and have a prior established relationship. For purposes of  
22 this definition, advertisement for general public attendance or  
23 sales of tickets to the general public shall not constitute a  
24 private event;

1        51. "Public event" means any event that can be attended by the  
2 general public;

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

14        53. "Regulation" or "rule" means a formal rule of general  
15 application promulgated by the ABLE Commission as herein required;

16        54. "Restaurant" means an establishment that is licensed to  
17 sell alcoholic beverages by the individual drink for on-premises  
18 consumption and where food is prepared and sold for immediate  
19 consumption on the premises;

20        55. "Retail container for spirits and wines" means an original  
21 package of any capacity approved by the United States Bureau of  
22 Alcohol, Tobacco, Firearms and Explosives;

23        56. "Retailer" means a package store, grocery store,  
24 convenience store or drug store licensed to sell alcoholic beverages

1 for off-premises consumption pursuant to a retail spirits license,  
2 retail wine license or retail beer license;

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

11 58. "Seltzer" means any beverage containing more than one-half  
12 of one percent (0.50%) of alcohol by volume and obtained by the  
13 alcoholic fermentation of malt, rice, grain of any kind, bran,  
14 glucose, sugar, or molasses and combined with carbonated water and  
15 other flavoring and labeled as "beer" by the Internal Revenue Code;  
16 provided, that seltzer shall not include carbonated beverages mixed  
17 with wine or spirits;

18 59. "Short-order food" means food other than full meals  
19 including but not limited to sandwiches, soups and salads.  
20 Provided, that popcorn, chips and other similar snack food shall not  
21 be considered short-order food;

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

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

4       62. "Small farm winery" means a wine-making establishment that  
5 does not annually produce for sale more than fifteen thousand  
6 (15,000) gallons of wine as reported on the United States Department  
7 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of  
8 Wine Premises Operations (TTB Form 5120.17);

9       63. "Sparkling wine" means champagne or any artificially  
10 carbonated wine;

11       64. "Special event" means an entertainment, recreation or  
12 marketing event that occurs at a single location on an irregular  
13 basis and at which alcoholic beverages are sold;

14       65. "Spirits" means any beverage other than wine or beer, which  
15 contains more than one-half of one percent (1/2 of 1%) alcohol  
16 measured by volume, and obtained by distillation, whether or not  
17 mixed with other substances in solution and includes those products  
18 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
19 fortified wines and similar compounds, but shall not include any  
20 alcohol liquid completely denatured in accordance with the Acts of  
21 Congress and regulations pursuant thereto;

22       66. "Strong beer" means beer which, prior to October 1, 2018,  
23 was distributed pursuant to the Oklahoma Alcoholic Beverage Control  
24 Act, Section 1-101 et seq. of this title;

1 67. "Successor brewer" means a primary source of supply, a  
2 brewer, a cider manufacturer or an importer that acquires rights to  
3 a beer or cider brand from a predecessor brewer;

4 68. "Tax Commission" means the Oklahoma Tax Commission;

5 69. "Territory" means a geographic region with a specified  
6 boundary;

7 70. "Vintage distilled spirit" means a package or packages of  
8 distilled spirits that are:

9 a. in the original manufacturer's unopened container,

10 b. not owned by a distillery, and

11 c. not otherwise available for purchase from a licensed  
12 wholesaler within this state;

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

19 ~~71.~~ 72. "Wine" means and includes any beverage containing more  
20 than one-half of one percent (1/2 of 1%) alcohol by volume and not  
21 more than twenty-four percent (24%) alcohol by volume at sixty (60)  
22 degrees Fahrenheit obtained by the fermentation of the natural  
23 contents of fruits, vegetables, honey, milk or other products  
24



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 2. AMENDATORY 37A O.S. 2021, Section 2-110, as  
19 last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp.  
20 2024, Section 2-110), is amended to read as follows:

21 Section 2-110. A. A mixed beverage license shall authorize the  
22 holder thereof:

23

24

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

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

6 a. the holder of a mixed beverage license issued for an  
7 establishment which is also a restaurant may purchase  
8 wine directly from a winemaker and beer directly from  
9 a small brewer who is permitted and has elected to  
10 self-distribute as provided in Article XXVIII-A of the  
11 Oklahoma Constitution, and

12 b. the holder of a mixed beverage license that is also a  
13 holder of a retail wine license or retail beer license  
14 or both a retail wine license and retail beer license  
15 shall not be prohibited from the on-premises sale of  
16 wine or beer, according to the license held, for off-  
17 premises consumption, subject to the limitations of  
18 the retail wine license or retail beer license; and

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

21 a. spirits in their original packages shall remain and be  
22 consumed in the club suite of a mixed beverage  
23 licensee and may not be removed from the club suite if  
24 not consumed in their entirety at or before the

1 conclusion of the period for which the club suite was  
2 made available to a specific patron or patrons by the  
3 mixed beverage licensee, and

4 b. spirits in their original packages to be consumed in  
5 the club suite are provided exclusively by the mixed  
6 beverage licensee.

7 B. Sales and service of mixed beverages by holders of mixed  
8 beverage licenses shall be limited to the licensed premises of the  
9 licensee unless the holder of the mixed beverage license also  
10 obtains a caterer license or a mixed beverage/caterer combination  
11 license, or if the holder of a mixed beverage license is an  
12 Entertainment District Tenant Party as defined in Section 2393 of  
13 Title 68 of the Oklahoma Statutes. A mixed beverage license shall  
14 only be issued in counties of this state where the sale of alcoholic  
15 beverages by the individual drink for on-premises consumption has  
16 been authorized. A separate license shall be required for each  
17 place of business.

18 C. Sales and service of mixed beverages by holders of mixed  
19 beverage licenses of an Entertainment District Tenant Party shall be  
20 limited to the premises of an Entertainment District. For purposes  
21 of this subsection, premises may be defined as the designated area  
22 of an Entertainment District as defined in Section 2393 of Title 68  
23 of the Oklahoma Statutes.

24

1 D. 1. Holders of a mixed beverage license shall not be  
2 prohibited from obtaining and holding a retail beer license or  
3 retail wine license or both a retail beer license and retail wine  
4 license; provided, that each holder qualifies and maintains the  
5 qualifications for each license held as set forth in this title and  
6 the rules promulgated by the Alcoholic Beverage Laws Enforcement  
7 (ABLE) Commission; and

8 2. Nothing in this section shall be construed to prohibit the  
9 sale of vintage distilled spirits pursuant to Section 4 of this act.

10 E. Upon application, a mixed beverage license shall be issued  
11 for any place of business functioning as a motion picture theater,  
12 as defined by Section 1-103 of this title. Provided, that upon  
13 proof of legal age to consume alcohol, every patron being served  
14 alcoholic beverages shall be required to wear a wrist bracelet or  
15 receive a hand stamp identifying the patron as being of legal age to  
16 consume alcohol. This requirement shall only apply inside a motion  
17 picture theater auditorium where individuals under the legal age to  
18 consume alcohol are allowed.

19 F. Holders of a mixed beverage license with a licensed premises  
20 on a business establishment that meets the classification of a golf  
21 course or country club pursuant to the most recently adopted North  
22 American Industry Classification System (NAICS) may also sell beer  
23 in sealed original packages for on-premises consumption. Such  
24 holders' sales of more than two sealed original packages to one

1 person at one time for on-premises consumption shall not be  
2 considered an unlawful inducement to stimulate consumption of  
3 alcoholic beverages under the Oklahoma Alcoholic Beverage Control  
4 Act, and patrons may remove sealed original packages from the  
5 licensed premises.

6 SECTION 3. AMENDATORY 37A O.S. 2021, Section 6-113, is  
7 amended to read as follows:

8 Section 6-113. A. It shall be unlawful for any person, firm or  
9 corporation to possess any alcoholic beverages with the intent to  
10 sell the same without having first procured a license therefor from  
11 the ABLE Commission as now provided for by law. All alcoholic  
12 beverages found in the possession or under the control of any person  
13 or persons, firm or corporation who, on the same date, or within  
14 fifteen (15) days prior thereto, has violated Section 153 of this  
15 act, shall be seized by the arresting officer and shall be forfeited  
16 to the State of Oklahoma, as provided for in Section 167 of this  
17 act; provided, property seized by a county or municipal law  
18 enforcement officer shall be forfeited to the county or municipality  
19 in which the seizure of the property took place, whichever is  
20 appropriate, as provided for in Section 167 of this act.

21 B. Nothing in this section shall be construed to prohibit the  
22 sale of vintage distilled spirits pursuant to Section 4 of this act.

23  
24

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-130 of Title 37A, unless there  
3 is created a duplication in numbering, reads as follows:

4 A person twenty-one (21) years of age or older who is not  
5 licensed to sell alcohol in this state may sell vintage distilled  
6 spirits if the person is:

7 1. An administrator, executor, receiver, or other fiduciary who  
8 receives and sells vintage distilled spirits in execution of  
9 fiduciary capacity;

10 2. A creditor who receives or takes possession of vintage  
11 distilled spirits as security for, or in payment of, debt, in whole  
12 or in part;

13 3. A public officer or court official who levies on vintage  
14 distilled spirits under order or process of any court or magistrate  
15 to sell same in satisfaction of the order or process; or

16 4. Any other person not engaged in the business of selling  
17 alcoholic beverages who receives and sells vintage distilled spirits  
18 packages in an amount of twenty-four vintage distilled spirits  
19 packages or fewer in the preceding twelve (12) months.

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

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
22 February 20, 2025 - DO PASS AS AMENDED  
23  
24