

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1099

By: Mann

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Sections 1-103 and 2-110, as last amended by Section 1, Chapters 416 and 417, O.S.L. 2024, and 6-113 (37A O.S. Supp. 2024, Sections 1-103 and 2-110), which relate to definitions, mixed beverage licenses, and unlawful possession of alcoholic beverages with intent to sell without procuring a license; defining term; providing certain exceptions; allowing the sale of vintage distilled spirits by certain sellers; providing for codification; and providing an effective date.

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

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

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

1. "ABLE Commission" or "Commission" means the Alcoholic Beverage Laws Enforcement Commission;
2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by

1 whatever process produced. It does not include wood alcohol or
2 alcohol which has been denatured or produced as denatured in
3 accordance with Acts of Congress and regulations promulgated
4 thereunder;

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

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

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

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

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

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

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

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

19 11. "Brand extension" means:

- 20 a. after October 1, 2018, any brand of beer or cider
21 introduced by a manufacturer in this state which
22 either:
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1 (1) incorporates all or a substantial part of the
2 unique features of a preexisting brand of the
3 same licensed brewer, or

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

6 b. any brand of beer that a brewer, the majority of whose
7 total volume of all brands of beer distributed in this
8 state by such brewer on January 1, 2016, was
9 distributed as low-point beer, desires to sell,
10 introduces, begins selling or theretofore has sold and
11 desires to continue selling a strong beer in this
12 state which either:

13 (1) incorporates or incorporated all or a substantial
14 part of the unique features of a preexisting low-
15 point beer brand of the same licensed brewer, or

16 (2) relies or relied to a significant extent on the
17 goodwill associated with a preexisting low-point
18 beer brand;

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

23 13. "Brewpub" means a licensed establishment operated on the
24 premises of, or on premises located contiguous to, a small brewer,

1 that prepares and serves food and beverages, including alcoholic
2 beverages, for on-premises consumption;

3 14. "Cider" means any alcoholic beverage obtained by the
4 alcoholic fermentation of fruit juice, including but not limited to
5 flavored, sparkling or carbonated cider. For the purposes of the
6 manufacture of this product, cider may be manufactured by either
7 manufacturers or brewers. For the purposes of the distribution of
8 this product, cider may be distributed by either wine and spirits
9 wholesalers or beer distributors;

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

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

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

3 18. "Convicted" and "conviction" mean and include a finding of
4 guilt resulting from a plea of guilty or nolo contendere, the
5 decision of a court or magistrate or the verdict of a jury,
6 irrespective of the pronouncement of judgment or the suspension
7 thereof;

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

11 20. "Designated wholesaler" means a wine and spirits wholesaler
12 who has been selected by a manufacturer as a wholesaler appointed to
13 distribute designated products;

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

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

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

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

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

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

12 b. as strong beer pursuant to the Oklahoma Alcoholic
13 Beverage Control Act in effect immediately prior to
14 October 1, 2018,

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

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

24 27. "Good cause" means:
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- 1 a. failure by the distributor to comply with the material
2 and reasonable provisions of a written agreement or
3 understanding with the brewer, or
4 b. failure by the distributor to comply with the duty of
5 good faith;

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

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

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

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

1 32. "Licensee" means any person holding a license under the
2 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
3 employee of such licensee while in the performance of any act or
4 duty in connection with the licensed business or on the licensed
5 premises;

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

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

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

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

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

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

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

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

1 considered a mixed beverage so long as such small brewer, brewpub,
2 small farm winery, or winemaker does not also hold an on-premises
3 beer and wine, mixed beverage, caterer, public event, or special
4 event license, if permitted by law;

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

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

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

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

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

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

1 46. "Package store" means any sole proprietor or partnership
2 that qualifies to sell wine, beer and/or spirits for off-premises
3 consumption and that is not a grocery store, convenience store or
4 drug store, or other retail outlet that is not permitted to sell
5 wine or beer for off-premises consumption;

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

8 48. "Person" means an individual, any type of partnership,
9 corporation, association, limited liability company or any
10 individual involved in the legal structure of any such business
11 entity;

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

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

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

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

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

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

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

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

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

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

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

20 58. "Seltzer" means any beverage containing more than one-half
21 of one percent (0.50%) of alcohol by volume and obtained by the
22 alcoholic fermentation of malt, rice, grain of any kind, bran,
23 glucose, sugar, or molasses and combined with carbonated water and
24 other flavoring and labeled as "beer" by the Internal Revenue Code;

1 provided, that seltzer shall not include carbonated beverages mixed
2 with wine or spirits;

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

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

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

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

18 63. "Sparkling wine" means champagne or any artificially
19 carbonated wine;

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

23 65. "Spirits" means any beverage other than wine or beer, which
24 contains more than one-half of one percent (1/2 of 1%) alcohol

1 measured by volume, and obtained by distillation, whether or not
2 mixed with other substances in solution and includes those products
3 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
4 fortified wines and similar compounds, but shall not include any
5 alcohol liquid completely denatured in accordance with the Acts of
6 Congress and regulations pursuant thereto;

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

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

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

14 69. "Territory" means a geographic region with a specified
15 boundary;

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

- 18 a. in the original manufacturer's unopened container,
- 19 b. not owned by a distillery, and
- 20 c. not otherwise available for purchase from a licensed
21 wholesaler within this state;

22 71. "Wine and spirits wholesaler" or "wine and spirits
23 distributor" means and includes any sole proprietorship or
24 partnership licensed to distribute wine and spirits in this state.

1 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
2 Control Act, shall be construed to refer to a wine and spirits
3 wholesaler;

4 ~~71.~~ 72. "Wine" means and includes any beverage containing more
5 than one-half of one percent (1/2 of 1%) alcohol by volume and not
6 more than twenty-four percent (24%) alcohol by volume at sixty (60)
7 degrees Fahrenheit obtained by the fermentation of the natural
8 contents of fruits, vegetables, honey, milk or other products
9 containing sugar, whether or not other ingredients are added, and
10 includes vermouth and sake, known as Japanese rice wine;

11 ~~72.~~ 73. "Winemaker" means and includes any person or
12 establishment who manufactures for human consumption any wine upon
13 which a license fee and a tax are imposed by any law of this state;

14 ~~73.~~ 74. "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; and

18 ~~74.~~ 75. "Straw testing" means the consumption of a de minimis
19 amount of an alcoholic beverage by sanitary means by the holder of
20 an employee license, twenty-one (21) years of age or older, to
21 determine the quality or desired flavor profile of such alcoholic
22 beverage that has been serviced, or is to be served, to a patron.
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1 Words in the plural include the singular, and vice versa, and
2 words imparting the masculine gender include the feminine, as well
3 as persons and licensees as defined in this section.

4 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-110, as
5 last amended by Section 1, Chapter 417, O.S.L. 2024 (37A O.S. Supp.
6 2024, Section 2-110), is amended to read as follows:

7 Section 2-110. A. A mixed beverage license shall authorize the
8 holder thereof:

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

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

14 a. the holder of a mixed beverage license issued for an
15 establishment which is also a restaurant may purchase
16 wine directly from a winemaker and beer directly from
17 a small brewer who is permitted and has elected to
18 self-distribute as provided in Article XXVIII-A of the
19 Oklahoma Constitution, and

20 b. the holder of a mixed beverage license that is also a
21 holder of a retail wine license or retail beer license
22 or both a retail wine license and retail beer license
23 shall not be prohibited from the on-premises sale of
24 wine or beer, according to the license held, for off-

1 premises consumption, subject to the limitations of
2 the retail wine license or retail beer license; and

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

5 a. spirits in their original packages shall remain and be
6 consumed in the club suite of a mixed beverage
7 licensee and may not be removed from the club suite if
8 not consumed in their entirety at or before the
9 conclusion of the period for which the club suite was
10 made available to a specific patron or patrons by the
11 mixed beverage licensee, and

12 b. spirits in their original packages to be consumed in
13 the club suite are provided exclusively by the mixed
14 beverage licensee.

15 B. Sales and service of mixed beverages by holders of mixed
16 beverage licenses shall be limited to the licensed premises of the
17 licensee unless the holder of the mixed beverage license also
18 obtains a caterer license or a mixed beverage/caterer combination
19 license, or if the holder of a mixed beverage license is an
20 Entertainment District Tenant Party as defined in Section 2393 of
21 Title 68 of the Oklahoma Statutes. A mixed beverage license shall
22 only be issued in counties of this state where the sale of alcoholic
23 beverages by the individual drink for on-premises consumption has
24

1 been authorized. A separate license shall be required for each
2 place of business.

3 C. Sales and service of mixed beverages by holders of mixed
4 beverage licenses of an Entertainment District Tenant Party shall be
5 limited to the premises of an Entertainment District. For purposes
6 of this subsection, premises may be defined as the designated area
7 of an Entertainment District as defined in Section 2393 of Title 68
8 of the Oklahoma Statutes.

9 D. 1. Holders of a mixed beverage license shall not be
10 prohibited from obtaining and holding a retail beer license or
11 retail wine license or both a retail beer license and retail wine
12 license; provided, that each holder qualifies and maintains the
13 qualifications for each license held as set forth in this title and
14 the rules promulgated by the Alcoholic Beverage Laws Enforcement
15 (ABLE) Commission; and

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

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

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

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

16 Section 6-113. A. It shall be unlawful for any person, firm or
17 corporation to possess any alcoholic beverages with the intent to
18 sell the same without having first procured a license therefor from
19 the ABLE Commission as now provided for by law. All alcoholic
20 beverages found in the possession or under the control of any person
21 or persons, firm or corporation who, on the same date, or within
22 fifteen (15) days prior thereto, has violated Section 153 of this
23 act, shall be seized by the arresting officer and shall be forfeited
24 to the State of Oklahoma, as provided for in Section 167 of this

1 act; provided, property seized by a county or municipal law
2 enforcement officer shall be forfeited to the county or municipality
3 in which the seizure of the property took place, whichever is
4 appropriate, as provided for in Section 167 of this act.

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

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

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

13 1. An administrator, executor, receiver, or other fiduciary who
14 receives and sells vintage distilled spirits in execution of
15 fiduciary capacity;

16 2. A creditor who receives or takes possession of vintage
17 distilled spirits as security for, or in payment of, debt, in whole
18 or in part;

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

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

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