

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2799

By: Marti of the House

and

6 Coleman of the Senate

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; amending 37A
10 O.S. 2021, Sections 2-101, as amended by Section 3,
11 Chapter 338, O.S.L. 2023, and 6-103, as last amended
12 by Section 1, Chapter 200, O.S.L. 2023 (37A O.S.
13 Supp. 2024, Sections 2-101 and 6-103), which relate
14 to annual license fees and administrative fees and
15 prohibited acts of retail spirits licensees;
16 establishing certain license fees; removing certain
17 prohibition; updating statutory language; updating
18 statutory references; and providing an effective
19 date.

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

21 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-101, as
22 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,
23 Section 2-101), is amended to read as follows:

24 Section 2-101. A. Except as otherwise provided in this
section, the licenses issued by the ~~ABLE~~ Alcoholic Beverage Laws
Enforcement (ABLE) Commission, and the annual fees therefor, shall
be as follows:

1	1.	Brewer License.....	\$1,250.00
2	2.	Small Brewer License.....	\$125.00
3	3.	Distiller License.....	\$3,125.00
4	4.	Winemaker License.....	\$625.00
5	5.	Small Farm Winery License.....	\$75.00
6	6.	Rectifier License.....	\$3,125.00
7	7.	Wine and Spirits Wholesaler License.....	\$3,000.00
8	8.	Beer Distributor License.....	\$750.00
9	9.	The following retail spirits license fees	
10		shall be determined by the latest Federal	
11		Decennial Census:	
12	a.	Retail Spirits License for cities and	
13		towns from 200 0 to 2,500 population.....	\$305.00
14	b.	Retail Spirits License for cities and	
15		towns from 2,501 to 5,000 population.....	\$605.00
16	c.	Retail Spirits License for cities and	
17		towns over 5,000 population.....	\$905.00
18	10.	<u>Retail Spirits License for locations outside</u>	
19		<u>of cities and towns and within a county.....</u>	\$905.00
20	<u>11.</u>	Retail Wine License.....	\$1,000.00
21	11. <u>12.</u>	Retail Beer License.....	\$500.00
22	12. <u>13.</u>	Mixed Beverage License.....	\$1,005.00
23			(initial license)
24			\$905.00

1		(renewal)
2	13. <u>14.</u> Mixed Beverage/Caterer Combination	
3	License.....	\$1,250.00
4	14. <u>15.</u> On-Premises Beer and Wine License.....	\$500.00
5		(initial license)
6		\$450.00
7		(renewal)
8	15. <u>16.</u> Bottle Club License.....	\$1,000.00
9		(initial license)
10		\$900.00
11		(renewal)
12	16. <u>17.</u> Caterer License.....	\$1,005.00
13		(initial license)
14		\$905.00
15		(renewal)
16	17. <u>18.</u> Annual Special Event License.....	\$55.00
17	18. <u>19.</u> Quarterly Special Event License.....	\$55.00
18	19. <u>20.</u> Hotel Beverage License.....	\$1,005.00
19		(initial license)
20		\$905.00
21		(renewal)
22	20. <u>21.</u> Airline/Railroad/Commercial Passenger Vessel Beverage	
23	License.....	\$1,005.00
24		(initial license)

1			\$905.00
2			(renewal)
3	21. <u>22.</u>	Agent License.....	\$55.00
4	22. <u>23.</u>	Employee License.....	\$30.00
5	23. <u>24.</u>	Industrial License.....	\$23.00
6	24. <u>25.</u>	Carrier License.....	\$23.00
7	25. <u>26.</u>	Private Carrier License.....	\$23.00
8	26. <u>27.</u>	Bonded Warehouse License.....	\$190.00
9	27. <u>28.</u>	Storage License.....	\$23.00
10	28. <u>29.</u>	Nonresident Seller License	\$750.00
11	29. <u>30.</u>	Manufacturer License:	
12	a.	50 cases or less sold in Oklahoma in	
13		last calendar year.....	\$50.00
14	b.	51 to 500 cases sold in Oklahoma in	
15		last calendar year.....	\$75.00
16	c.	501 cases or more sold in Oklahoma in	
17		last calendar year.....	\$150.00
18	30. <u>31.</u>	Manufacturer's Agent License.....	\$55.00
19	31. <u>32.</u>	Sacramental Wine Supplier License.....	\$100.00
20	32. <u>33.</u>	Charitable Auction License.....	\$1.00
21	33. <u>34.</u>	Charitable Alcoholic Beverage License.....	\$55.00
22	34. <u>35.</u>	Winemaker Self-Distribution License:	
23	a.	produced ten thousand (10,000) gallons	
24		or less in last calendar year.....	\$350.00

1 b. produced more than ten thousand
 2 (10,000) gallons but no more than
 3 fifteen thousand (15,000) gallons in
 4 last calendar year..... \$750.00
 5 ~~35.~~ 36. Annual Public Event License..... \$1,005.00
 6 ~~36.~~ 37. One-Time Public Event License..... \$255.00
 7 ~~37.~~ 38. Small Brewer Self-Distribution License:
 8 a. produced fifteen thousand (15,000)
 9 barrels or less in last calendar year..... \$350.00
 10 b. produced more than fifteen thousand
 11 (15,000) barrels in last calendar year..... \$750.00
 12 ~~38.~~ 39. Brewpub License..... \$1,005.00
 13 ~~39.~~ 40. Brewpub Self-Distribution License..... \$750.00
 14 ~~40.~~ 41. Complimentary Beverage License..... \$75.00
 15 ~~41.~~ 42. Satellite Tasting Room License..... \$100.00
 16 B. 1. There shall be added to the initial or renewal fees for
 17 a mixed beverage license an administrative fee, which shall not be
 18 deemed to be a license fee, in the amount of Five Hundred Dollars
 19 (\$500.00), which shall be paid at the same time and in the same
 20 manner as the license fees prescribed by paragraph ~~12~~ 13 of
 21 subsection A of this section; provided, this fee shall not be
 22 assessed against service organizations or fraternal beneficiary
 23 societies which are exempt under Section 501(c)(19), (8) or (10) of
 24 the Internal Revenue Code of 1986, as amended.

1 2. There shall be added to the fee for a mixed beverage/caterer
2 combination license an administrative fee, which shall not be deemed
3 to be a license fee, in the amount of Two Hundred Fifty Dollars
4 (\$250.00), which shall be paid at the same time and in the same
5 manner as the license fee prescribed by paragraph ~~13~~ 14 of
6 subsection A of this section.

7 C. Notwithstanding the provisions of subsection A of this
8 section:

9 1. The license fee for a mixed beverage or bottle club license
10 for those service organizations or fraternal beneficiary societies
11 which are exempt under Section 501(c)(19), (8) or (10) of the
12 Internal Revenue Code of 1986, as amended, shall be Five Hundred
13 Dollars (\$500.00) per year; and

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

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

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

23 F. The holder of a license~~r~~ issued by the ABLE Commission~~r~~ for
24 a bottle club located in a county of this state where the sale of

1 alcoholic beverages by the individual drink for on-premises
2 consumption has been authorized, may exchange the bottle club
3 license for a mixed beverage license or an on-premises beer and wine
4 license and operate the licensed premises as a mixed beverage
5 establishment or an on-premises beer and wine establishment subject
6 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
7 There shall be no additional fee for such exchange and the mixed
8 beverage license or on-premises beer and wine license issued shall
9 expire one (1) year from the date of issuance of the original bottle
10 club license.

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

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

- 1 6. Retail Spirits License for cities and towns
- 2 from 2,501 to 5,000 population..... \$200.00
- 3 7. Retail Spirits License for cities and towns
- 4 from ~~200~~ 0 to 2,500 population..... \$150.00
- 5 8. Retail Spirits License for locations outside
- 6 of cities and towns and within a county..... \$250.00
- 7 9. Retail Wine License..... \$250.00
- 8 ~~9.~~ 10. Retail Beer License..... \$250.00
- 9 ~~10.~~ 11. Mixed Beverage License..... \$25.00
- 10 ~~11.~~ 12. Mixed Beverage/Caterer Combination
- 11 License..... \$25.00
- 12 ~~12.~~ 13. Caterer License..... \$25.00
- 13 ~~13.~~ 14. On-Premises Beer and Wine License..... \$25.00
- 14 ~~14.~~ 15. Annual Public Event License..... \$25.00
- 15 ~~15.~~ 16. Small Farm Winery License..... \$25.00
- 16 ~~16.~~ 17. Small Brewer License..... \$35.00
- 17 ~~17.~~ 18. Complimentary Beverage License..... \$25.00

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

23 H. Any license issued by the ABLE Commission under this title
 24 may be relied upon by other licensees as a valid license, and no

1 other licensee shall have any obligation to independently determine
2 the validity of such license or be held liable solely as a
3 consequence of another licensee's failure to maintain a valid
4 license.

5 SECTION 2. AMENDATORY 37A O.S. 2021, Section 6-103, as
6 last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp.
7 2024, Section 6-103), is amended to read as follows:

8 Section 6-103. A. No retail spirits licensee shall:

9 1. Purchase or receive any alcoholic beverage other than from a
10 wine and spirits wholesaler, beer distributor, winery or small
11 brewer self-distribution licensee who elects to self-distribute;

12 2. Suffer or permit any retail container to be opened, or any
13 alcoholic beverage to be consumed on the licensed premises, except
14 when serving samples as authorized by Section 2-109 of this title or
15 otherwise permitted by law; provided, the licensee shall not permit
16 any alcoholic beverage content or retail container unsealed in
17 connection with sampling authorized by Section 2-109 of this title
18 to remain on the licensed premises at the close of business on that
19 day, excluding spirits;

20 3. Sell any alcoholic beverages at any hour other than between
21 the hours of 8:00 a.m. and midnight Monday through Saturday, and
22 shall not be permitted to be open on Thanksgiving Day or Christmas
23 Day; provided, a county may, pursuant to the provisions of
24 subsections B and C of Section 3-124 of this title, elect to allow

1 such sales between the hours of noon and midnight on Sunday. Retail
2 spirits licensees shall be permitted to sell alcoholic beverages on
3 the day of any General, Primary, Runoff Primary or Special Election
4 whether on a national, state, county or city election, provided that
5 the election day does not occur on any day on which such sales are
6 otherwise prohibited by law;

7 ~~4. Sell spirits in a city or town, unless such city or town has~~
8 ~~a population in excess of two hundred (200) according to the latest~~
9 ~~Federal Decennial Census;~~

10 ~~5.~~ Sell any alcoholic beverage on credit; provided, that
11 acceptance by a licensee of a cash or debit card or a nationally
12 recognized credit card in lieu of actual cash payment does not
13 constitute the extension of credit; provided, further, as used in
14 this section:

15 a. "cash or debit card" means any instrument or device
16 whether known as a debit card or by any other name,
17 issued with or without fee by an issuer for the use of
18 the cardholder in depositing, obtaining or
19 transferring funds from a consumer banking electronic
20 facility, and

21 b. "nationally recognized credit card" means any
22 instrument or device, whether known as a credit card,
23 credit plate, charge plate or by any other name,
24 issued with or without fee by an issuer for the use of

1 the cardholder in obtaining money, goods, services or
2 anything else of value on credit which is accepted by
3 over one hundred retail locations;

4 ~~6.~~ 5. Offer or furnish any prize, premium, gift or similar
5 inducement to a consumer in connection with the sale of alcoholic
6 beverages, except that goods or merchandise included by the
7 manufacturer in packaging with alcoholic beverages or for packaging
8 with alcoholic beverages shall not be included in this prohibition,
9 but no wholesaler or retailer shall sell any alcoholic beverage
10 prepackaged with other goods or merchandise at a price which is
11 greater than the price at which the alcoholic beverage alone is
12 sold; provided, it shall not be considered inducement or a premium
13 for a retail spirits licensee to have an advertised price posted
14 higher online than the shelf price on the licensed premises; or

15 ~~7.~~ 6. Pay for alcoholic beverages by a check or draft which is
16 dishonored by the drawee when presented to such drawee for payment;
17 and the ABLE Commission may cancel or suspend the license of any
18 retailer who has given a check or draft, as maker or endorser, which
19 is so dishonored upon presentation.

20 B. No retail spirits licensee shall permit any person under
21 twenty-one (21) years of age to enter into or remain within or about
22 the licensed premises unless accompanied by the person's parent or
23 legal guardian; provided, however, this restriction shall not apply
24

1 to an employee of a licensed beer distributor or wine and spirits
2 wholesaler who:

3 1. Is at least eighteen (18) years of age;

4 2. Is accompanied by a coworker at least twenty-one (21) years
5 of age; and

6 3. Enters for the sole purpose of merchandising or delivering
7 product to the licensee in the normal course of business.

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

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