

1 ENGROSSED SENATE  
2 BILL NO. 1031

By: Daniels of the Senate

3 and

4 Moore of the House

5  
6 An Act relating to alcoholic beverage licenses;  
7 amending 37A O.S. 2021, Section 2-146, as amended by  
8 Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp.  
9 2024, Section 2-146), which relates to grounds for  
10 denial of certain licenses; modifying applicability  
11 of certain exception; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-146, as  
15 amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,  
16 Section 2-146), is amended to read as follows:

17 Section 2-146. A. The ABLE Commission shall refuse to issue a  
18 wine and spirits wholesaler, beer distributor, retail spirits,  
19 retail wine or retail beer license, either on an original  
20 application or a renewal application, if it has reasonable grounds  
21 to believe and finds any of the following to be true:

22 1. Except in the case of a beer distributor, that the applicant  
23 is not a citizen of the United States or is not a qualified elector  
24 in this state, or has not been a continuous resident of this state  
for the five (5) years next preceding the application for the  
license;

1        2. That the applicant is under twenty-one (21) years of age;

2        3. That the applicant or any partner, or spouse of the  
3 applicant or any partner, has been convicted of a felony;

4        4. That the applicant or any partner, or spouse of the  
5 applicant or any partner, has been convicted of a violation of any  
6 state or federal law relating to alcoholic beverages, has forfeited  
7 a bond while any charge of such violation was pending, nor may any  
8 license be granted for any purpose under the Oklahoma Alcoholic  
9 Beverage Control Act to an Oklahoma resident, who has held or whose  
10 spouse has held a Federal Liquor Stamp in Oklahoma before the  
11 adoption of Article XXVIII-A of the Oklahoma Constitution unless the  
12 Liquor Stamp was granted for supplying alcoholic beverages to a  
13 federal military installation, or was granted under the Oklahoma  
14 Alcoholic Beverage Control Act;

15       5. That the applicant or any partner has, within twelve (12)  
16 months next preceding the date of the application, violated any  
17 provision of the Oklahoma Alcoholic Beverage Control Act or rule of  
18 the ABLE Commission promulgated pursuant hereto. Provided, however,  
19 that if the ABLE Commission has, during such twelve-month period,  
20 suspended any license sought to be renewed, such renewal application  
21 may be approved if the term of the suspension has been completed and  
22 the applicant has complied with any special conditions imposed in  
23 connection with the suspension;

1       6. That the applicant is in the habit of using alcoholic  
2 beverages to excess or is mentally incapacitated;

3       7. That the applicant does not own or have a written lease for  
4 the premises for which a license is sought;

5       8. That the applicant, within twelve (12) months next preceding  
6 the date of application, has been the holder of a license revoked  
7 for cause;

8       9. That the applicant is not the real party in interest, or  
9 intends to carry on the business authorized by the license as the  
10 agent of another;

11       10. That the applicant, in the case of an application for  
12 renewal of any license, would not be eligible for such license on a  
13 first application;

14       11. That the applicant is a person who appoints or is a law  
15 enforcement official or is an employee of the ABLE Commission;

16       12. That the proposed location of the licensed premises would  
17 violate a valid municipal nondiscriminatory zoning ordinance;

18       13. That, in the case of an application for a wine and spirits  
19 wholesaler license or beer distributor license, any brewer or  
20 manufacturer, including an officer, director or principal  
21 stockholder thereof or any partner, has any financial interest in  
22 the business to be conducted under the license, unless otherwise  
23 permitted by law;

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1 14. That the issuance of the license applied for would result  
2 in a violation of any provision of the Oklahoma Alcoholic Beverage  
3 Control Act;

4 15. That, in the case of an application for a wine and spirits  
5 wholesaler or beer distributor license, the applicant or any  
6 partner, or spouse of the applicant or any partner, is the holder or  
7 partner of the holder of any other class of license issued under the  
8 provisions of the Oklahoma Alcoholic Beverage Control Act, other  
9 than an agent or employee license for employment by the applicant,  
10 or a storage license, bonded warehouse license, carrier license or  
11 private carrier license; provided, nothing shall prohibit a wine and  
12 spirits wholesaler, who is otherwise qualified, from maintaining  
13 beer distributor licenses in the state, nor a beer distributor, who  
14 is otherwise qualified, from maintaining a wine and spirits  
15 wholesaler license in the state;

16 16. That, in the case of an application for a retail spirits,  
17 retail wine or retail beer license, the applicant or any partner is  
18 the holder or partner of the holder, or employee of such holder of  
19 any other class of license issued under the provisions of the  
20 Oklahoma Alcoholic Beverage Control Act, other than a storage  
21 license or an employee license for the proposed licensed premises of  
22 the applicant, provided, nothing in this title shall prohibit an  
23 applicant for a retail wine and/or retail beer license from  
24 maintaining a separate mixed beverage, caterer, mixed

1 beverage/caterer combination license, and/or an on-premises beer and  
2 wine license; or

3 17. That the applicant or any partner, spouse, employee or  
4 other person affiliated with the applicant is not in compliance with  
5 the tax laws of this state as required in Article XXVIII-A of the  
6 Oklahoma Constitution.

7 B. The provisions of this section shall not operate to prohibit  
8 the issuance of a:

9 1. A beer distributor license held by a wine and spirits  
10 wholesaler;

11 2. A wine and spirits wholesaler license held by a beer  
12 distributor; or

13 3. A beer distributor license,  
14 to a corporation ~~or partnership or~~, limited liability company, or  
15 any form of partnership authorized by Title 54 of the Oklahoma  
16 Statutes.

17 SECTION 2. This act shall become effective November 1, 2025.

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