

1 **SENATE FLOOR VERSION**
February 13, 2025
2 **AS AMENDED**

3 SENATE BILL NO. 1031

By: Daniels of the Senate

4 and

5 Moore of the House

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

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

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

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

24 1. Except in the case of a beer distributor, that the applicant
is not a citizen of the United States or is not a qualified elector
in this state, or has not been a continuous resident of this state

1 for the five (5) years next preceding the application for the
2 license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 applicant for a retail wine and/or retail beer license from
2 maintaining a separate mixed beverage, caterer, mixed
3 beverage/caterer combination license, and/or an on-premises beer and
4 wine license; or

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

9 **B. The provisions of this section shall not operate to prohibit**
10 **the issuance of a:**

11 **1. A beer distributor license held by a wine and spirits**
12 **wholesaler;**

13 **2. A wine and spirits wholesaler license held by a beer**
14 **distributor; or**

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
21 February 13, 2025 - DO PASS AS AMENDED

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