

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1713

By: Bennett

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6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A  
8 O.S. 2021, Section 2-102, as amended by Section 4,  
9 Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,  
10 Section 2-102), which relates to small brewer  
license; allowing the purchase of and sale of spirits  
by the holder of a small brewer license; and  
providing an effective date.

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

14 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-102, as  
15 amended by Section 4, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,  
16 Section 2-102), is amended to read as follows:

17 Section 2-102. A. A brewer license shall authorize the holder  
18 thereof:

19 1. To manufacture, bottle, package and store beer and cider on  
20 the licensed premises; and

21 2. To sell beer and cider in this state to holders of beer  
22 distributor licenses and to sell beer and cider out of this state to  
23 qualified persons.

24 B. A small brewer license shall authorize the holder thereof:

- 1        1. To manufacture, bottle, package and store beer and cider  
2 produced by the licensee on licensed premises;
- 3        2. To sell beer and cider in this state to holders of beer  
4 distributor licenses and retail licenses or to sell beer and cider  
5 out of this state to qualified persons;
- 6        3. To serve free samples of beer and cider produced by the  
7 licensee to visitors twenty-one (21) years of age or older;
- 8        4. To sell beer and cider produced by the licensee for either  
9 on-premises or off-premises consumption to consumers on the brewery  
10 premises, or on premises located contiguous thereto;
- 11       5. To sell beer and cider at events attended by the public  
12 including, but not limited to, trade shows, festivals, farmers  
13 markets, boat shows, RV shows, home and garden shows, fairs, car  
14 shows, swap meets, city events, county events, or state events for  
15 either on-premises or off-premises consumption, regardless of  
16 whether such events are held at premises covered by a license to  
17 sell, serve, or store alcoholic beverages. A small brewer license  
18 holder shall not be required to secure or control the premises of an  
19 event attended by the public where the small brewer license holder  
20 sells beer or cider;
- 21       6. To purchase wine and spirits in retail containers from the  
22 holder of a wholesaler license or as specifically provided by law;
- 23       7. To sell, offer for sale and possess wine and spirits for on-  
24 premises consumption;

1 8. To host off-site events pursuant to Section 1 of this act;  
2 and

3 9. To purchase from licensed brewers, small brewers, and  
4 brewpubs in this state, and to import beer into this state for use  
5 in manufacturing in accordance with federal laws and regulations.

6 C. The holder of multiple small brewer licenses may sell beer  
7 and cider produced at up to three breweries for which the licensee  
8 has a license, at any other of such three licensed breweries or on  
9 premises located contiguous thereto.

10 D. Nothing in the Oklahoma Alcoholic Beverage Control Act shall  
11 prohibit the holder of a small brewer license from also holding or  
12 owning an interest in the holder of a brewpub license.

13 E. For purposes of this section, no visitor may sample more  
14 than a total of twelve (12) fluid ounces of beer and cider per day.  
15 The brewer must restrict the distribution of beer and cider samples  
16 to an area within the licensed premises as defined in this  
17 subsection. A current floor plan that includes the designated  
18 serving area must be on file with the ABLE Commission. No visitor  
19 under twenty-one (21) years of age shall be permitted to enter this  
20 designated serving area. Accompanied visitors under twenty-one (21)  
21 years of age shall be allowed anywhere on the premises except for a  
22 serving area. Samples of beer and cider served by a brewery under  
23 this section shall not be considered a sale of beer and cider within  
24 the meaning of Article XXVIII-A of the Oklahoma Constitution or

1 Section 1-103 of this title; however, such samples of beer and cider  
2 shall be considered beer and cider removed or withdrawn from the  
3 brewery for use or consumption within the meaning of Section 5-110  
4 of this title for excise tax determination and reporting  
5 requirements. Sales and sampling may only occur between the hours  
6 of 10:00 a.m. and 2:00 a.m. For purposes of this subsection,  
7 "serving area" means the area of the bar where drinks are sold,  
8 prepared, and served to paying customers and shall not include other  
9 areas of the brewery where customers consume purchased products.

10 F. A small brewer self-distribution license shall authorize  
11 holders of a small brewer license to distribute beer and cider  
12 produced only by such licensee to a holder of a retail beer license,  
13 retail spirits license, mixed beverage license, beer and wine  
14 license, caterer's license, special event license, public event  
15 license, charitable auction license or brewpub license. A small  
16 brewer shall elect whether it will distribute through a distributor  
17 or self-distribute in a subject territory; however, a small brewer  
18 may not elect to do both simultaneously in a subject territory. The  
19 election shall be made through notice to the ABLE Commission. Any  
20 changes to the election shall require immediate notification to the  
21 ABLE Commission before the change in election will take effect. A  
22 small brewer that elects to self-distribute in multiple territories  
23 shall only be required to have one small brewer self-distribution  
24 license.

1 G. All manufacturer's licenses held by brewers during the first  
2 calendar year beginning October 1, 2018, shall automatically convert  
3 to brewer licenses and be deemed effective as of the date of the  
4 first issuance of the manufacturer's license. Upon the first  
5 renewal of the license, the brewer will need to obtain the  
6 appropriate brewer's license. If a brewer elects to market wine and  
7 spirits, the brewer will also be required to obtain a manufacturer's  
8 license and comply with the rules and regulations for both licenses.

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

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