

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL 1302

By: Murdock

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8 COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; amending
10 Sections 27 and 41, Chapter 366, O.S.L. 2016 (37A
11 O.S. Supp. 2016, Sections 2-115 and 2-129), which
12 relate to alcoholic beverage licensing; exempting
13 certain types of events from certain licensure
14 requirements; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 27, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2016, Section 2-115), is amended to read as
18 follows:

19 Section 2-115. A. A special event license may be issued to an
20 organization, association or nonprofit corporation organized for
21 political, fraternal, charitable, religious or social purposes. The
22 holder of a special event license is authorized to sell and
23 distribute alcoholic beverage on the premises for which the license
24 is issued.

1 B. The ABLE Commission shall promulgate rules governing the
2 application for and the issuance of special event licenses.

3 C. The restrictions and rules which apply to the sale of mixed
4 beverages on the premises of a mixed beverage licensee also apply to
5 the sale of such beverages under the authority of a special event
6 license. Any act which if done on the premises of a mixed beverage
7 licensee would be a ground for revocation or suspension of the mixed
8 beverage license is a ground for revocation or suspension of a
9 special event license.

10 D. No special event license may be issued for any premises
11 already licensed by the ABLE Commission.

12 E. No special event license shall be required for an
13 organization, association or nonprofit corporation whose purpose is
14 to promote the common interest of economic development and business
15 growth within a community, provided the event is not conducted
16 primarily for fundraising purposes, and provided the services of a
17 licensed caterer are used to provide and distribute the alcoholic
18 beverages at the event.

19 SECTION 2. AMENDATORY Section 41, Chapter 366, O.S.L.
20 2016 (37A O.S. Supp. 2016, Section 2-129), is amended to read as
21 follows:

22 Section 2-129. A. A charitable auction or charitable alcoholic
23 beverage event license may be issued to a charitable organization
24 exempt from taxation under Section 501(c)(3), (4), (5), (6), (7),

1 (8), (9), (10) or (19) of the United States Internal Revenue Code.

2 The charitable alcoholic beverage event license shall authorize the
3 holder thereof to conduct a wine, spirit and/or beer event which may
4 consist of one or more of a wine, spirit and/or beer-tasting event,
5 a wine, spirit and/or beer dinner event or a wine, spirit and/or
6 beer auction, which may be either a live auction conducted by an
7 auctioneer or a silent auction for which:

8 1. Bid sheets are accepted from interested bidders at the
9 event;

10 2. The holders of tickets are allowed to bid online for a
11 period not exceeding thirty (30) days prior to the event; or

12 3. Both bid sheets are accepted at the event and online bids
13 are accepted pursuant to paragraph 2 of this subsection.

14 B. A charitable alcoholic beverage event shall be conducted
15 solely to raise funds for charitable purposes. A charitable
16 alcoholic beverage license shall allow the event attendees access to
17 tastings, samples, dinners and alcoholic beverages as parts of their
18 entrance fee or ticket price. Wine, spirits and/or beer used in,
19 served or consumed at a charitable alcoholic beverage event may be
20 purchased by the charitable organization or donated by any person or
21 entity.

22 C. The charitable alcoholic beverage event license shall be
23 issued for a period not exceeding four (4) days. Only eight such
24 licenses may be issued to an organization in any twelve-month

1 period. The charitable organization holding a charitable alcoholic
2 beverage event license shall not be required to obtain a special
3 event license.

4 D. Charitable auction and charitable alcoholic beverage event
5 license holders may also utilize a licensed caterer to provide
6 additional alcohol services at the event and on the premises.

7 E. The charitable auction license shall authorize the holder
8 thereof to auction wine, spirits and/or beer purchased from a retail
9 package store or received as a gift from an individual if the
10 auction is conducted to raise funds for charitable purposes. The
11 charitable auction license shall be issued for a period not to
12 exceed two (2) days. Only four such licenses shall be issued to an
13 organization in any twelve-month period. The maximum amount of
14 wine, spirits and/or beer auctioned pursuant to the charitable
15 auction license shall not exceed fifty (50) gallons. All wines,
16 beer and spirits auctioned pursuant to the charitable auction
17 license shall be registered and all fees and taxes shall be paid in
18 accordance with the Oklahoma Alcoholic Beverage Control Act.

19 F. No charitable alcoholic beverage event license shall be
20 required for an organization, association or nonprofit corporation
21 whose purpose is to promote the common interest of economic
22 development and business growth within a community, provided the
23 event is not conducted primarily for fundraising purposes, and
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1 provided the services of a licensed caterer are used to provide and
2 distribute the alcoholic beverages at the event.

3 SECTION 3. This act shall become effective October 1, 2018.

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5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
6 dated 02/15/2017 - DO PASS, As Amended.
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