

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1601

By: Martinez

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; creating the
8 alcoholic beverage gift basket license; providing
9 that a holder of an alcoholic beverage gift basket
10 license may sell and deliver alcoholic gift baskets
11 outside of Oklahoma; providing requirements for
12 selling alcoholic beverage gift baskets; requiring a
13 license holder to maintain records and submit reports
14 as required by the Alcoholic Beverage Laws
15 Enforcement (ABLE) Commission; authorizing the ABLE
16 Commission to promulgate rules, regulations, forms,
17 and procedures; amending 37A O.S. 2021, Section 2-
18 101, which relates to license fees and surcharges;
19 providing license fee for an alcoholic beverage gift
20 basket license; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
is created a duplication in numbering, reads as follows:

25 A. An alcoholic beverage gift basket license shall authorize
26 the holder thereof to sell and deliver gift baskets that contain
27 nonalcoholic items as well as alcoholic beverages including beer,

1 wine, and spirits in sealed containers to consumers located out of
2 the State of Oklahoma as follows:

3 1. The alcoholic beverage gift basket licensee is subject to
4 the recipient state's applicable laws;

5 2. The alcoholic beverage gift basket licensee must attach
6 shipping labels to gift baskets containing alcohol that follow the
7 state law of the receiving state;

8 3. The alcoholic beverage gift basket licensee must ensure that
9 an individual who is at least twenty-one (21) years of age, as shown
10 on a driver license or identity card, signs for the delivery;

11 4. The alcoholic beverage gift basket licensee shall not ship
12 alcoholic gift baskets to any address in the state where the sale of
13 alcoholic liquor is prohibited by local option;

14 5. Payment for alcoholic beverage gift basket delivery by the
15 alcoholic beverage gift basket licensee may be made by cash, check,
16 transportable credit/debit card processors, or advance online
17 payment methods; and

18 6. The alcoholic beverage gift basket licensee shall be
19 responsible for their delivery employees as provided in Section 2-
20 133 of Title 37A of the Oklahoma Statutes.

21 B. The alcoholic beverages contained in a gift basket shall be
22 purchased from an Oklahoma licensed wholesale distributor.

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1 C. A holder of an alcoholic beverage gift basket license shall
2 maintain records and submit reports as required by the Alcoholic
3 Beverage Laws Enforcement (ABLE) Commission.

4 D. The ABLE Commission is authorized to promulgate rules,
5 regulations, forms, and procedures necessary to implement and
6 enforce the provisions of this section.

7 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-101, is
8 amended to read as follows:

9 Section 2-101. A. Except as otherwise provided in this
10 section, the licenses issued by the ABLE Commission, and the annual
11 fees therefor, shall be as follows:

- 12 1. Brewer License..... \$1,250.00
- 13 2. Small Brewer License..... \$125.00
- 14 3. Distiller License..... \$3,125.00
- 15 4. Winemaker License..... \$625.00
- 16 5. Small Farm Winery License..... \$75.00
- 17 6. Rectifier License..... \$3,125.00
- 18 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 19 8. Beer Distributor License..... \$750.00

20 9. The following retail spirits license fees
21 shall be determined by the latest Federal
22 Decennial Census:

- 23 a. Retail Spirits License for cities and
24 towns from 200 to 2,500 population..... \$305.00

1	b.	Retail Spirits License for cities and	
2		towns from 2,501 to 5,000 population.....	\$605.00
3	c.	Retail Spirits License for cities and	
4		towns over 5,000 population.....	\$905.00
5	10.	Retail Wine License.....	\$1,000.00
6	11.	Retail Beer License.....	\$500.00
7	12.	Mixed Beverage License.....	\$1,005.00
8			(initial license)
9			\$905.00
10			(renewal)
11	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
12	14.	On-Premises Beer and Wine License.....	\$500.00
13			(initial license)
14			\$450.00
15			(renewal)
16	15.	Bottle Club License.....	\$1,000.00
17			(initial license)
18			\$900.00
19			(renewal)
20	16.	Caterer License.....	\$1,005.00
21			(initial license)
22			\$905.00
23			(renewal)
24	17.	Annual Special Event License.....	\$55.00

1	18.	Quarterly Special Event License.....	\$55.00
2	19.	Hotel Beverage License.....	\$1,005.00
3			(initial license)
4			\$905.00
5			(renewal)
6	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
7		License.....	\$1,005.00
8			(initial license)
9			\$905.00
10			(renewal)
11	21.	Agent License.....	\$55.00
12	22.	Employee License.....	\$30.00
13	23.	Industrial License.....	\$23.00
14	24.	Carrier License.....	\$23.00
15	25.	Private Carrier License.....	\$23.00
16	26.	Bonded Warehouse License.....	\$190.00
17	27.	Storage License.....	\$23.00
18	28.	Nonresident Seller License	\$750.00
19	29.	Manufacturer License:	
20		a. 50 cases or less sold in Oklahoma in	
21		last calendar year.....	\$50.00
22		b. 51 to 500 cases sold in Oklahoma in	
23		last calendar year.....	\$75.00
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1	c.	501 cases or more sold in Oklahoma in	
2		last calendar year.....	\$150.00
3	30.	Manufacturer's Agent License.....	\$55.00
4	31.	Sacramental Wine Supplier License.....	\$100.00
5	32.	Charitable Auction License.....	\$1.00
6	33.	Charitable Alcoholic Beverage License.....	\$55.00
7	34.	Winemaker Self-Distribution License.....	\$750.00
8	35.	Annual Public Event License.....	\$1,005.00
9	36.	One-Time Public Event License.....	\$255.00
10	37.	Small Brewer Self-Distribution License.....	\$750.00
11	38.	Brewpub License.....	\$1,005.00
12	39.	Brewpub Self-Distribution License.....	\$750.00
13	40.	Complimentary Beverage License.....	\$75.00
14	41.	Satellite Tasting Room License.....	\$100.00
15	42.	<u>Alcoholic Beverage Gift Basket License.....</u>	<u>\$100.00</u>

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 of subsection
21 A of this section; provided, this fee shall not be assessed against
22 service organizations or fraternal beneficiary societies which are
23 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
24 Code.

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 of subsection A
6 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 shall be Five Hundred Dollars (\$500.00) per
13 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, issued by the ABLE Commission, 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 to 2,500 population..... \$150.00
- 5 8. Retail Wine License..... \$250.00
- 6 9. Retail Beer License..... \$250.00
- 7 10. Mixed Beverage License..... \$25.00
- 8 11. Mixed Beverage/Caterer Combination License..... \$25.00
- 9 12. Caterer License..... \$25.00
- 10 13. On-Premises Beer and Wine License..... \$25.00
- 11 14. Annual Public Event License..... \$25.00
- 12 15. Small Farm Winery License..... \$25.00
- 13 16. Small Brewer License..... \$35.00
- 14 17. Complimentary Beverage License..... \$25.00

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

20 H. Any license issued by the ABLE Commission under this title
 21 may be relied upon by other licensees as a valid license, and no
 22 other licensee shall have any obligation to independently determine
 23 the validity of such license or be held liable solely as a
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1 consequence of another licensee's failure to maintain a valid
2 license.

3 SECTION 3. This act shall become effective November 1, 2023.

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