

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2222

By: McDugle

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending  
8 Section 21, Chapter 366, O.S.L. 2016, as amended by  
9 Section 1, Chapter 81, O.S.L. 2020 (37A O.S. Supp.  
10 2020, Section 2-109), which relates to retail  
11 licenses; modifying authority of holder of retail  
spirits license; authorizing tasting parties;  
specifying requirements; defining term; providing  
that serving of samples does not constitute sales;  
and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 21, Chapter 366, O.S.L.  
17 2016, as amended by Section 1, Chapter 81, O.S.L. 2020 (37A O.S.  
18 Supp. 2020, Section 2-109), is amended to read as follows:

19 Section 2-109. A. A retail spirits license shall authorize the  
20 holder thereof:

21 1. To purchase wine or spirits from a wine and spirits  
22 wholesaler;

23 2. To purchase beer from a beer distributor or from the holder  
24 of a small brewer self-distribution license; and

1 3. To sell same on the licensed premises in such containers to  
2 consumers for off-premises consumption only and not for resale;  
3 provided, spirits, wine and beer may be sold to charitable  
4 organizations that are holders of charitable alcoholic beverage  
5 auction or charitable alcoholic beverage event licenses.

6 B. A retail wine license shall authorize the holder thereof:

7 1. To purchase wine from a wine and spirits wholesaler;

8 2. To purchase wine from a small farm winemaker who is  
9 permitted and has elected to self-distribute as provided in Article  
10 XXVIII-A of the Oklahoma Constitution; ~~and~~

11 3. To sell same on the licensed premises in such containers to  
12 consumers for off-premises consumption only and not for resale;  
13 provided, wine may be sold to charitable organizations that are  
14 holders of charitable alcoholic beverage auction or charitable  
15 alcoholic beverage event licenses; and

16 4. To allow tasting parties within the licensed premises:

17 a. during normal business hours,

18 b. in a separate room or an area of the premises that has  
19 been sectioned off,

20 c. if no person under twenty-one (21) years of age is  
21 allowed in the room or area in which the tasting party  
22 is held,

23 d. if the samples served at the tasting party are  
24 provided to patrons at no cost to the patrons,

- 1           e. if any alcoholic beverages sold are sold in their  
2           original sealed packages, and  
3           f. if the licensee does not receive any gift or thing of  
4           value in violation of Section 3-119 of this title.

5           As used in this paragraph, "tasting parties" means events for  
6           sampling a selection of spirits, wine or beer to compare qualities.  
7           Samples served pursuant to this paragraph shall not be considered a  
8           sale within the meaning of Article XXVIII-A of the Oklahoma  
9           Constitution.

10           Provided, no holder of a retail wine license may sell wine with  
11 alcohol beverage volume in excess of fifteen percent (15%).

12           C. A retail beer license shall authorize the holder thereof:

13           1. To purchase beer from a beer distributor;

14           2. To purchase beer from the holder of a small brewer self-  
15 distribution license; and

16           3. To sell same on the licensed premises in such containers to  
17 consumers for off-premises consumption only and not for resale;  
18 provided, beer may be sold to charitable organizations that are  
19 holders of charitable alcoholic beverage auction or charitable  
20 alcoholic beverage event licenses.

21           Provided, no holder of a retail beer license may sell a malt  
22 beverage with alcohol beverage volume in excess of fifteen percent  
23 (15%).  
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SECTION 2. This act shall become effective November 1, 2021.

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