

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 2845

 By: Meredith

7 AS INTRODUCED

8 An Act relating to alcoholic beverages; amending
9 Section 14, Chapter 366, O.S.L. 2016, as amended by
10 Section 1, Chapter 84, O.S.L. 2017 (37A O.S. Supp.
11 2017, Section 2-102), which relates to brewer and
12 small brewer licenses; authorizing certain acts
13 related to wine; amending Section 16, Chapter 366,
14 O.S.L. 2016, as amended by Section 2, Chapter 307,
15 O.S.L. 2017 (37A O.S. Supp. 2017, Section 2-104),
16 which relates to winemaker licenses; authorizing
17 certain acts related to beer; and providing an
18 effective date.

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

17 SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.
18 2016, as amended by Section 1, Chapter 84, O.S.L. 2017 (37A O.S.
19 Supp. 2017, Section 2-102), is amended to read as follows:

20 Section 2-102. A. A brewer license shall authorize the holder
21 thereof:

22 1. To manufacture, bottle, package and store beer on the
23 licensed premises; and

1 2. To sell beer in this state to holders of beer distributor
2 licenses and to sell beer out of this state to qualified persons.

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

4 1. To manufacture, bottle, package and store beer produced by
5 the licensee on licensed premises;

6 2. To sell beer in this state to holders of beer distributor
7 licenses and retail licenses or to sell beer out of this state to
8 qualified persons;

9 3. To serve free samples of beer produced by the licensee to
10 visitors twenty-one (21) years of age or older;

11 4. To sell beer produced by the licensee for either on-premises
12 or off-premises consumption to consumers on the brewery premises, or
13 on premises located contiguous thereto; ~~and~~

14 5. To sell beer at public events such as trade shows or
15 festivals;

16 6. To purchase wine in retail containers from the holder of a
17 wholesaler license or as specifically provided by law; and

18 7. To sell, offer for sale and possess wine for on-premises
19 consumption.

20 C. Nothing in this act shall prohibit the holder of a small
21 brewer license from also holding or owning an interest in the holder
22 of a brewpub license.

23 D. For purposes of this section, no visitor may sample more
24 than a total of twelve (12) fluid ounces of beer per day. The

1 brewer must restrict the distribution and consumption of beer
2 samples to an area within the licensed premises designated by the
3 brewer. A current floor plan that includes the designated sampling
4 area must be on file with the ABLE Commission. No visitor under
5 twenty-one (21) years of age shall be permitted to enter this
6 designated sampling area when samples are being distributed or
7 consumed. Samples of beer served by a brewery under this section
8 shall not be considered a sale of beer within the meaning of Article
9 XXVIII A of the Oklahoma Constitution or Section 1-103 of this title;
10 however, such samples of beer shall be considered beer removed or
11 withdrawn from the brewery for use or consumption within the meaning
12 of Section 5-110 of this title for excise tax determination and
13 reporting requirements. Sales and sampling may only occur between
14 the hours of 10:00 a.m. and 2:00 a.m.

15 E. A small brewer self-distribution license shall authorize
16 holders of a small brewer license to distribute beer produced only
17 by such licensee to a holder of a retail beer license, retail
18 spirits license, mixed beverage license, beer and wine license,
19 caterer's license, special event license, public event license,
20 charitable auction license or brewpub license. A small brewer shall
21 elect whether it will distribute through a distributor or self-
22 distribute in a subject territory; however, a small brewer may not
23 elect to do both simultaneously in a subject territory. The
24 election shall be made through notice to the ABLE Commission. Any

1 changes to the election shall require immediate notification to the
2 ABLE Commission before the change in election will take effect. A
3 small brewer that elects to self-distribute in multiple territories
4 shall only be required to have one small brewer self-distribution
5 license.

6 SECTION 2. AMENDATORY Section 16, Chapter 366, O.S.L.
7 2016, as amended by Section 2, Chapter 307, O.S.L. 2017 (37A O.S.
8 Supp. 2017, Section 2-104), is amended to read as follows:

9 Section 2-104. A winemaker license shall authorize the holder
10 thereof:

11 1. To manufacture (including such mixing, blending and cellar
12 treatment as authorized by federal law), bottle, package and store
13 on licensed premises wine containing not more than twenty-four
14 percent (24%) alcohol by volume, provided the bottle or package
15 sizes authorized shall be limited to the capacities approved by the
16 United States Alcohol and Tobacco Tax and Trade Bureau;

17 2. To sell wine in this state to licensed wholesalers and
18 manufacturers;

19 3. To sell wine produced at the winery from grapes and other
20 fruits and berries grown in this state, if available, for either on-
21 premises or off-premises consumption to consumers on the premises of
22 the winery;

23 4. To serve free samples of wine produced at the winery to
24 visitors twenty-one (21) years of age and older. For purposes of

1 this section, no visitor may sample more than a total of six (6)
2 fluid ounces of wine per day. The winery shall restrict the
3 distribution and consumption of wine samples to an area within the
4 licensed premises designated by the winery. A current floor plan
5 that includes the designated sampling area shall be on file with the
6 ABLE Commission. No visitor under twenty-one (21) years of age
7 shall be permitted to enter the designated sampling area when
8 samples are being distributed and consumed. Samples of wine served
9 by a winery under this section shall not be considered a sale of
10 wine within the meaning of Article XXVIII A of the Oklahoma
11 Constitution or Section 1-103 of this title; provided, such samples
12 of wine shall be considered removed or withdrawn from the winery for
13 use or consumption within the meaning of Section 5-110 of this title
14 for excise tax determination and reporting requirements;

15 5. To serve free samples of wine produced at the winery at
16 public events such as festivals and trade shows;

17 6. To sell wine produced at the winery, for either on-premises
18 or off-premises consumption at public events such as festivals and
19 trade shows;

20 7. To sell wine out of this state to qualified persons;

21 8. To purchase from licensed winemakers, distillers and
22 rectifiers in this state, and to import into this state wine, brandy
23 and fruit spirits for use in manufacturing in accordance with
24 federal laws and regulations; ~~and~~

1 9. To sell and serve Oklahoma-manufactured wine, mulled wine,
2 or spiced wine, mixed with nonalcoholic beverages or food items such
3 as water, sugar, fruits and vegetables, at any temperature for
4 either on-premises or off-premises consumption;

5 10. To purchase beer in retail containers from the holder of a
6 wholesaler, beer distributor, small brewer self-distributor or
7 brewpub self-distributor license or as specifically provided by law;
8 and

9 11. To sell, offer for sale and possess beer for on-premises
10 consumption.

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

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13 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
14 02/27/2018 - DO PASS.

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