

1 type of partner, manager, member or agent thereof, to directly or
2 indirectly:

3 1. Have any financial interest in any premises upon which any
4 alcoholic beverage is sold at retail or in any business connected
5 with the retailing of alcoholic beverages; provided, nothing in ~~this~~
6 ~~act~~ the Oklahoma Alcoholic Beverage Control Act shall prohibit the
7 operation of a mixed beverage licensee, beer and wine licensee or
8 caterer licensee by an entity which has common owners with the
9 holder of a small brewer license or a brewpub license;

10 2. Lend any money or other thing of value, or to make any gift
11 or offer any gratuity, to any package store, retail wine, retail
12 beer, mixed beverage, beer and wine, public event or bottle club
13 licensee or caterer;

14 3. Guarantee any loan or the repayment of any financial
15 obligation of any retailer, mixed beverage, beer and wine, public
16 event or bottle club licensee or caterer;

17 4. Require any wine and spirits wholesaler, beer distributor,
18 retailer, mixed beverage, on-premises beer and wine licensee, public
19 event or caterer to purchase and dispose of any quota of alcoholic
20 beverages, or to require any retailer to purchase any kind, type,
21 size, container or brand of alcoholic beverages in order to obtain
22 any other kind, type, size, container or brand of alcoholic
23 beverages;

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1 5. Sell to any retailer, mixed beverage, on-premises beer and
2 wine licensee, public event licensee or caterer licensee any
3 alcoholic beverage on consignment, or upon condition, or with the
4 privilege of return, or on any condition other than a bona fide
5 sale; provided, the following shall not be considered a violation of
6 this paragraph:

- 7 a. delivery in good faith, through mistake, inadvertence
8 or oversight, of an alcoholic beverage that was not
9 ordered by a retailer, mixed beverage licensee, on-
10 premises beer and wine licensee, caterer, public event
11 or special event licensee to such licensee,
- 12 b. replacement of product breakage that occurred while
13 the alcoholic beverages were in transit from the
14 wholesaler to the licensee, or
- 15 c. replacement of cork-tainted wine that makes the
16 product unsaleable as long as the licensee notifies
17 the wine and spirits wholesaler of the defect in
18 writing within ninety (90) days after delivery of the
19 product; or

20 6. Extend credit to any retailer, other than holders of Federal
21 Liquor Stamps on United States government reservations and
22 installations, mixed beverage, public event or on-premises beer and
23 wine licensee or caterer licensee, other than a state lodge located
24 in a county which has approved the retail sale of alcoholic

1 beverages by the individual drink for on-premises consumption. The
2 acceptance of a postdated check or draft or the failure to deposit
3 for collection a current check or draft by the second banking day
4 after receipt shall be deemed an extension of credit. Violation of
5 this section shall be grounds for suspension of the license.

6 B. Notwithstanding any statutory provision to the contrary, the
7 holder of a Retail Beer or Retail Wine License who was licensed and
8 permitted to sell low-point beer for off-premises consumption until
9 the passage of State Question 792, Legislative Referendum No. 370,
10 on November 8, 2016, shall not be prohibited from holding an
11 ownership interest in a manufacturer whose products are made outside
12 of this state, provided:

13 1. This right shall only apply to the ownership interests in
14 the manufacturer that were held by the Oklahoma licensed retailer,
15 or its successor in interest, as of November 8, 2016; and

16 2. The Oklahoma licensed retailer that is commonly owned by a
17 manufacturer does not offer for sale at its Oklahoma retail
18 locations any wine or spirits that are made by the commonly owned
19 manufacturer.

20 SECTION 2. AMENDATORY 37A O.S. 2021, Section 3-120, is
21 amended to read as follows:

22 Section 3-120. A. No mixed beverage, beer and wine, caterer,
23 public event or bottle club licensee, partner in any type of
24 partnership, manager or member of a limited liability company,

1 officer, director or stockholder of any corporate licensee owning
2 more than fifteen percent (15%) of the stock shall have any right,
3 title, lien, claim or interest, financial or otherwise in, upon or
4 to the premises, equipment, business or merchandise of any package
5 store, beer distributor, wholesaler, brewer, or Oklahoma licensed
6 manufacturer or wholesaler. The provisions of this section shall
7 not prohibit a person who is an officer or director of a fraternal
8 or veteran's organization which is a tax exempt organization under
9 Section 501(c)(8), (10) or (19) of the Internal Revenue Code and
10 which holds a license issued by the ABLE Commission from having a
11 right, title, lien, claim or interest in the premises, equipment,
12 business or merchandise of a package store.

13 B. Notwithstanding any statutory provision to the contrary, the
14 holder of a Retail Beer or Retail Wine License who was licensed and
15 permitted to sell low-point beer for off-premises consumption until
16 the passage of State Question 792, Legislative Referendum No. 370,
17 on November 8, 2016, shall not be prohibited from holding an
18 ownership interest in a manufacturer whose products are made outside
19 of this state, provided:

20 1. This right shall only apply to the ownership interests in
21 the manufacturer that were held by the Oklahoma licensed retailer,
22 or its successor in interest, as of November 8, 2016; and

23 2. The Oklahoma licensed retailer that is commonly owned by a
24 manufacturer does not offer for sale at its Oklahoma retail

1 locations any wine or spirits that are made by the commonly owned
2 manufacturer.

3 SECTION 3. AMENDATORY 37A O.S. 2021, Section 3-121, is
4 amended to read as follows:

5 Section 3-121. A. No Oklahoma licensed manufacturer, or
6 brewer, or any wine and spirits wholesaler, beer distributor,
7 partner in any type of partnership, manager or member of a limited
8 liability company, or officer, director or stockholder of any
9 nonresident seller, brewer, or manufacturer licensee, owning more
10 than fifteen percent (15%) of the stock shall have any right, title,
11 claim or interest, financial or otherwise in, upon or to the
12 premises, equipment, business or merchandise of any mixed beverage,
13 beer and wine, caterer, public event or bottle club licensee.

14 B. Notwithstanding any statutory provision to the contrary, the
15 holder of a Retail Beer or Retail Wine License who was licensed and
16 permitted to sell low-point beer for off-premises consumption until
17 the passage of State Question 792, Legislative Referendum No. 370,
18 on November 8, 2016, shall not be prohibited from holding an
19 ownership interest in a manufacturer whose products are made outside
20 of this state, provided:

21 1. This right shall only apply to the ownership interests in
22 the manufacturer that were held by the Oklahoma licensed retailer,
23 or its successor in interest, as of November 8, 2016; and

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1 2. The Oklahoma licensed retailer that is commonly owned by a
2 manufacturer does not offer for sale at its Oklahoma retail
3 locations any wine or spirits that are made by the commonly owned
4 manufacturer.

5 SECTION 4. This act shall become effective November 1, 2023.

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 03/02/2023 - DO PASS, As Coauthored.

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