

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3045

 By: Strom

5
6
7
8 AS INTRODUCED

9 An Act relating to the Oklahoma Alcoholic Beverage
10 Control Act; amending Section 21, Chapter 366, O.S.L.
11 2016 (37A O.S. Supp. 2019, Section 2-109), which
12 relates to retail licenses; modifying scope of retail
13 spirit license; authorizing serving of samples;
14 providing requirements; providing rights of retail
15 license holder; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 21, Chapter 366, O.S.L.
18 2016 (37A O.S. Supp. 2019, Section 2-109), is amended to read as
19 follows:

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

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

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

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

8 4. To offer product samples of alcoholic beverages on the
9 licensed premises during any hours the licensed premises are
10 authorized to be open. The following requirements apply to samples:

11 a. samples shall not be bought or sold. The samples
12 served shall be provided to patrons at no cost and
13 shall not be considered a sale of alcoholic beverages
14 within the meaning of Article XXVIII-A of the Oklahoma
15 Constitution. The retail spirits license holder shall
16 be responsible for the cost of the samples,

17 b. any alcoholic beverages sold shall be in their
18 original factory-sealed packages or containers,

19 c. the licensee shall not receive any gift or thing of
20 value in violation of Section 3-119 of this title, and

21 d. sample quantities shall be limited as follows for each
22 person during a twenty-four-hour period:

1 (1) distilled spirits: not to exceed twenty-five
2 hundredths (0.25) ounces per sample and not to
3 exceed four samples,

4 (2) beer and wine: not to exceed one (1) ounce per
5 sample and not to exceed four samples.

6 Retail license holders reserve the right to select the brands and
7 varieties of alcoholic beverages that will be served as samples.

8 Retail license holders shall not be required to offer samples and
9 reserve the right to refuse to offer samples.

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

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

12 2. To purchase wine from a small farm winemaker who is

13 permitted and has elected to self-distribute as provided in Article
14 ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution; and

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

20 Provided, no holder of a Retail Wine License may sell wine with
21 alcohol beverage volume in excess of fifteen percent (15%).

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

23 1. To purchase beer from a beer distributor;

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

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

8 Provided, no holder of a Retail Beer License may sell a malt
9 beverage with alcohol beverage volume in excess of eight and ninety-
10 nine/~~one~~ hundredths percent (8.99%).

11 SECTION 2. This act shall become effective November 1, 2020.

12

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
14 02/26/2020 - DO PASS.

15

16

17

18

19

20

21

22

23

24