

1 produced by the licensee to visitors twenty-one (21) years of age or
2 older. For purposes of this section, no visitor may sample more
3 than a total of twelve (12) fluid ounces of beer per day. The
4 brewer must restrict the distribution and consumption of beer
5 samples to an area within the licensed premises designated by the
6 brewer. A current floor plan that includes the designated sampling
7 area must be on file with the Oklahoma Alcoholic Beverage Laws
8 Enforcement (ABLE) Commission. No visitor under twenty-one (21)
9 years of age shall be permitted to enter this designated sampling
10 area when samples are being distributed or consumed. Samples may
11 only be distributed or consumed between ten a.m. and nine p.m.
12 Samples of beer served by a brewery under this section shall not be
13 considered a "sale" of beer within the meaning of Article XXVIII of
14 the Oklahoma Constitution or Section 506 of this title; however,
15 such samples of beer shall be considered beer removed or withdrawn
16 from the brewery for "use or consumption" within the meaning of
17 Section 542 of this title for excise tax determination and reporting
18 requirements.

19 B. A distiller license shall authorize the holder thereof: To
20 manufacture, bottle, package, and store spirits on licensed
21 premises; to sell spirits in this state to licensed wholesalers and
22 manufacturers only; to sell spirits out of this state to qualified
23 persons; to purchase from licensed distillers and rectifiers in this
24

1 state, and import spirits from without this state for manufacturing
2 purposes in accordance with federal laws and regulations.

3 C. A winemaker license shall authorize the holder thereof: To
4 manufacture (including such mixing, blending and cellar treatment as
5 authorized by federal law), bottle, package, and store on licensed
6 premises wine containing not more than twenty-four percent (24%)
7 alcohol by volume, provided the bottle or package sizes authorized
8 shall be limited to the capacities approved by the United States
9 Alcohol and Tobacco Tax and Trade Bureau; to sell wine in this state
10 to licensed wholesalers and manufacturers; to sell bottles of wine
11 produced at the winery from grapes and other fruits and berries
12 grown in this state, if available, to consumers on the premises of
13 the winery; to serve visitors on the licensed premises samples of
14 wine produced on the premises; to serve samples of wine produced at
15 the winery at festivals and trade shows; to sell wine produced at
16 the winery, in original sealed containers, at festivals and trade
17 shows; to sell wine out of this state to qualified persons; to
18 purchase from licensed winemakers, distillers and rectifiers in this
19 state, and to import into this state wine, brandy and fruit spirits
20 for use in manufacturing in accordance with federal laws and
21 regulations; provided, a winemaker either within or without this
22 state that annually produces no more than ten thousand (10,000)
23 gallons of wine may elect to sell and self-distribute the wine
24

1 produced by such winemaker directly to licensed retail package
2 stores and restaurants in this state; and provided further that:

3 1. Any such winemaker which elects to directly sell its wine to
4 package stores and restaurants shall not also use a licensed
5 wholesale distributor as a means of distribution, and shall be
6 required to sell its wines to every package store and restaurant
7 licensee who desires to purchase the same, on the same price basis
8 and without discrimination;

9 2. If a winemaker or winery sells directly to a retail package
10 store or restaurant, the winemaker shall transport the wine from the
11 winemaker's winery to the premises where the wine is to be delivered
12 only in vehicles owned or leased by the winemaker and not by common
13 or private contract carrier and shall obtain all necessary permits
14 as required by the Oklahoma Alcoholic Beverage Control Act; and

15 3. If the production volume limit applicable to winemakers is
16 ruled to be unconstitutional by a court of competent jurisdiction,
17 then no winemaker shall be permitted to directly sell its wine to
18 retail package stores or restaurants in this state.

19 D. A winemaker self-distribution license shall authorize a
20 licensed winemaker within or without this state which is permitted
21 by Section 3 of Article XXVIII of the Oklahoma Constitution and
22 subsection C of this section, to distribute its wine directly to
23 retail package stores and restaurants in this state and that elects
24 to do so, to sell and deliver its wines directly to licensed retail

1 package stores and restaurants in this state in full case lots only,
2 and in accordance with the provisions of the Oklahoma Alcoholic
3 Beverage Control Act and such rules as the ABLE Commission shall
4 adopt.

5 E. A rectifier license shall authorize the holder thereof: To
6 rectify spirits and wines, bottle, package, and store same on the
7 licensed premises; to sell spirits and wines in this state to
8 licensed wholesalers and manufacturers only; to sell spirits and
9 wines out of this state to qualified persons; to purchase from
10 licensed manufacturers in this state; and to import into this state
11 for manufacturing purposes spirits and wines in accordance with
12 federal laws and regulations.

13 F. 1. A wholesaler license shall authorize the holder thereof:
14 To purchase and import into this state spirits and wines from
15 persons authorized to sell same who are the holders of a nonresident
16 seller license, and their agents who are the holders of
17 manufacturers agent licenses; to purchase spirits and wines from
18 licensed distillers, rectifiers and winemakers in this state; to
19 purchase spirits and wines from licensed wholesalers, to the extent
20 set forth in paragraphs 2 and 3 of this subsection; to sell in
21 retail containers in this state to retailers, mixed beverage,
22 caterer, special event, public event, hotel beverage or
23 airline/railroad beverage licensees, spirits and wines which have
24 been received and unloaded at the bonded warehouse facilities of the

1 wholesaler before such sale; to sell to licensed wholesalers, to the
2 extent set forth in paragraphs 2 and 3 of this subsection, spirits
3 and wines which have been received and unloaded at the bonded
4 warehouse facilities of the wholesaler before such sale; and to sell
5 spirits and wines out of this state to qualified persons. Provided,
6 however, sales of spirits and wine in containers with a capacity of
7 less than one-twentieth (1/20) gallon by a holder of a wholesaler
8 license shall be in full case lots and in the original unbroken
9 case. Wholesalers shall be authorized to place such signs outside
10 their place of business as are required by Acts of Congress and by
11 such laws and regulations promulgated under such Acts.

12 2. Wholesalers are prohibited from purchasing annually in
13 excess of fifteen percent (15%) of their total spirits inventory and
14 fifteen percent (15%) of their total wine inventory from one or more
15 wholesalers. Wholesalers are also prohibited from purchasing
16 annually in excess of fifteen percent (15%) of their inventory of
17 any individual brand of spirits or wine from one or more
18 wholesalers. The volume of spirits and wine and of each brand that
19 each wholesaler is permitted to purchase annually from other
20 wholesalers shall be calculated by the ABLE Commission by
21 multiplying fifteen percent (15%) by:

22 a. the total volume of spirits sales of the wholesaler,
23 by liter, from the previous calendar year, and
24

- 1 b. the total volume of wine sales of the wholesaler, by
2 liter, from the previous calendar year, and
3 c. the volume of sales of each brand of spirits or wine
4 of the wholesaler, by liter, from the previous
5 calendar year.

6 A wholesaler who did not post any sales of spirits, wine or of a
7 particular brand in the previous calendar year shall be deemed to
8 have sold the same volume of spirits, wine or of a particular brand
9 as the wholesaler posting the smallest volumes of sales in spirits,
10 wine or of a particular brand for that year for the purposes of this
11 paragraph. Notwithstanding the foregoing, wholesalers shall not
12 purchase any inventory in spirits or wine from any other wholesaler
13 until such time that the purchasing wholesaler possesses an
14 inventory valued at no less than Two Hundred Fifty Thousand Dollars
15 (\$250,000.00). Inventory valuation shall be based on the original
16 actual price paid by the purchasing wholesaler to the nonresident
17 seller for the inventory.

18 3. A wholesaler may sell spirits and wine to other wholesalers
19 or purchase spirits and wines from other wholesalers without
20 complying with paragraph 2 of this subsection in the case of the
21 sale, purchase, or other transfer or acquisition of the entire
22 business of a wholesaler, including the inventory of spirits and
23 wine.

1 4. A wholesaler license shall authorize the holder thereof to
2 operate a single bonded warehouse with a single central office
3 together with delivery facilities at a location in this state only
4 at the principal place of business for which the wholesaler license
5 was granted.

6 5. All licensed wholesalers shall register prices, purchase and
7 keep on hand or have on order a fifteen-day supply of all brands
8 constituting the top eighteen brands in total sales by all Oklahoma
9 wholesalers during the past twelve-month period, according to the
10 records of the ABLE Commission as revised by the ABLE Commission
11 quarterly; provided, however, that not more than three brands of any
12 particular nonresident seller shall be included in the top-brands
13 classification. All purchase orders for these top eighteen brands
14 must show an expected due delivery date. These purchase orders may
15 only be canceled with prior approval of the Director of the ABLE
16 Commission, unless a wholesaler shall have in its warehouse a
17 fifteen-day supply of merchandise on such purchase order.

18 In order to allow the ABLE Commission to determine the top
19 eighteen brands, wholesalers must submit to the ABLE Commission
20 every sixty (60) days a sworn affidavit listing their top twenty-
21 five brands in sales for the previous sixty (60) days, excluding
22 sales to wholesalers. Such affidavits shall be submitted in
23 conjunction with the original price postings of wholesalers.

1 A fifteen-day supply of a particular brand for a particular
2 wholesaler shall be based upon the market share of the wholesaler,
3 determined by first multiplying the total number of liters of such
4 brand sold by all wholesalers to all retailers during the previous
5 calendar year by the percentage that the total sales of wine and
6 spirits of the particular wholesaler, in liters, for such calendar
7 year bears to the total sales of wine and spirits, in liters,
8 reported by all wholesalers for such calendar year; and then
9 dividing by twenty-four (24); provided, that a fifteen-day supply
10 for a wholesaler who has not been in business for the entirety of
11 the previous calendar year shall be deemed to be equal to that of
12 the wholesaler who was in business for the entirety of the previous
13 calendar year and who reported the lowest volume of sales of wine
14 and spirits, in liters, of any wholesaler having been in business
15 for such period.

16 G. A Class B wholesaler license shall authorize the holder
17 thereof: To purchase and import into this state beer from persons
18 authorized to sell same who are the holders of nonresident seller
19 licenses, and their agents who are the holders of manufacturers
20 agent licenses; to purchase beer from licensed brewers and Class B
21 wholesalers in this state; to sell in retail containers to
22 retailers, mixed beverage, caterer, special event, public event,
23 hotel beverage, and airline/railroad beverage licensees in this
24 state, beer which has been unloaded and stored at the holder's self-

1 owned or leased and self-operated warehouse facilities for a period
2 of at least twenty-four (24) hours before such sale; and to sell
3 beer in this state to Class B wholesalers and out of this state to
4 qualified persons, including federal instrumentalities and voluntary
5 associations of military personnel on federal enclaves in this state
6 over which this state has ceded jurisdiction.

7 H. A package store license shall authorize the holder thereof:
8 To purchase alcohol, spirits, beer, and wine in retail containers
9 from the holder of a brewer, wholesaler or Class B wholesaler
10 license and to purchase wine from a winemaker who is permitted and
11 has elected to self-distribute as provided in Section 3 of Article
12 XXVIII of the Oklahoma Constitution and to sell same on the licensed
13 premises in such containers to consumers for off-premises
14 consumption only and not for resale; provided, wine, beer, and
15 spirits may be sold to charitable organizations that are holders of
16 charitable alcoholic beverage auction or charitable alcoholic
17 beverage event licenses. All alcoholic beverages that are sold by a
18 package store are to be sold at ordinary room temperature.

19 I. A mixed beverage license shall authorize the holder thereof:
20 To purchase alcohol, spirits, beer or wine in retail containers from
21 the holder of a wholesaler or Class B wholesaler license or as
22 specifically provided by law and to sell, offer for sale and possess
23 mixed beverages for on-premises consumption only; provided, the
24 holder of a mixed beverage license issued for an establishment which

1 is also a restaurant may purchase wine directly from a winemaker who
2 is permitted and has elected to self-distribute as provided in
3 Section 3 of Article XXVIII of the Oklahoma Constitution.

4 Sales and service of mixed beverages by holders of mixed
5 beverage licenses shall be limited to the licensed premises of the
6 licensee unless the holder of the mixed beverage license also
7 obtains a caterer license or a mixed beverage/caterer combination
8 license. A mixed beverage license shall only be issued in counties
9 of this state where the sale of alcoholic beverages by the
10 individual drink for on-premises consumption has been authorized. A
11 separate license shall be required for each place of business. ~~No~~
12 ~~mixed beverage license shall be issued for any place of business~~
13 ~~functioning as a motion picture theater, as defined by Section 506~~
14 ~~of this title.~~ A mixed beverage licensee whose main purpose is
15 hosting live performance art presentations may utilize the services
16 of a licensed caterer for its alcoholic beverage service as long as
17 it is not open to the public more than one hundred twenty (120) days
18 per year.

19 J. A bottle club license shall authorize the holder thereof: To
20 store, possess and mix alcoholic beverages belonging to members of
21 the club and to serve such alcoholic beverages for on-premises
22 consumption to club members. A bottle club license shall only be
23 issued in counties of this state where the sale of alcoholic
24 beverages by the individual drink for on-premises consumption has

1 not been authorized. A separate license shall be required for each
2 place of business.

3 K. A caterer license shall authorize the holder thereof: To
4 sell mixed beverages for on-premises consumption incidental to the
5 sale or distribution of food at particular functions, occasions, or
6 events which are private and temporary in nature. A caterer license
7 shall not be issued in lieu of a mixed beverage license. A caterer
8 license shall only be issued or utilized in counties of this state
9 where the sale of alcoholic beverages by the individual drink for
10 on-premises consumption has been authorized. A separate license
11 shall be required for each place of business.

12 A licensed caterer shall be authorized to sell mixed beverages
13 for on-premises consumption incidental to the distribution of food
14 at temporary private functions, at temporary public events that are
15 licensed and approved by the ABLE Commission, and on the premises of
16 a mixed beverage licensee whose main purpose is the hosting of live
17 performing art presentations and is not open to the public more than
18 one hundred twenty (120) days per year.

19 L. 1. An annual special event license shall authorize the
20 holder thereof: To sell and distribute mixed beverages for
21 consumption on the premises for which the license has been issued
22 for up to four events to be held over a period not to exceed one (1)
23 year, not to exceed two such events in any three-month period. For
24 purposes of this paragraph, an event shall not exceed a period of

1 ten (10) consecutive days. An annual special event license shall
2 only be issued in counties of this state where the sale of alcoholic
3 beverages by the individual drink for on-premises consumption has
4 been authorized. The holder of an annual special event license
5 shall provide written notice to the ABLE Commission of each special
6 event not less than ten (10) days before the event is held.

7 2. A quarterly special event license shall authorize the holder
8 thereof: To sell and distribute mixed beverages for consumption on
9 the premises for which the license has been issued for up to three
10 events to be held over a period not to exceed three (3) months. For
11 purposes of this paragraph, an event shall not exceed a period of
12 ten (10) consecutive days. A quarterly special event license shall
13 only be issued in counties of this state where the sale of alcoholic
14 beverages by the individual drink for on-premises consumption has
15 been authorized. The holder of a quarterly special event license
16 shall provide written notice to the ABLE Commission of each special
17 event not less than ten (10) days before the event is held.

18 3. An annual public event license shall authorize the holder
19 thereof: to sell and distribute mixed beverages for consumption on
20 the premises for which the license has been issued for up to six
21 events to be held over a period not to exceed one (1) year. The
22 applicant for an annual public event license, who does not already
23 hold a license issued by the ABLE Commission, shall make application
24 not less than sixty (60) days before its first event. The ABLE

1 Commission shall have the authority to waive the sixty-day
2 requirement at its discretion. For purposes of this paragraph, an
3 event shall not exceed a period of three (3) consecutive days. An
4 annual public event license shall only be issued in counties of this
5 state where the sale of alcoholic beverages by the individual drink
6 for on-premises consumption has been authorized. The holder of an
7 annual public event license shall provide written notice to the ABLE
8 Commission of each subsequent public event not less than ten (10)
9 days before the event is held. A public event license shall not be
10 used in lieu of a mixed beverage license. The holder of an annual
11 public event license may choose to utilize the services of a
12 licensed caterer to provide and distribute the alcoholic beverages
13 at their events. When the applicant chooses to utilize the services
14 of a licensed caterer, the applicant shall declare upon application
15 which licensed caterer will be used. The licensed caterer shall be
16 responsible for payment of all applicable mixed beverage taxes
17 through the existing Mixed Beverage Tax Permit issued to his or her
18 business by the Oklahoma Tax Commission.

19 4. A one-time public event license shall authorize the holder
20 thereof: to sell and distribute mixed beverages for consumption on
21 the premises for which the license has been issued. The applicant
22 for a one-time public event license, who does not already hold a
23 license issued by the ABLE Commission, shall make application not
24 less than sixty (60) days before the event. The ABLE Commission

1 shall have the authority to waive the sixty-day requirement at its
2 discretion. For purposes of this paragraph, an event shall not
3 exceed a period of three (3) consecutive days. A public event
4 license shall only be issued in counties of this state where the
5 sale of alcoholic beverages by the individual drink for on-premises
6 consumption has been authorized. A public event license shall not
7 be used in lieu of a mixed beverage license. The holder of a one-
8 time public event license may choose to utilize the services of a
9 licensed caterer to provide and distribute the alcoholic beverages
10 at his or her event. When the applicant chooses to utilize the
11 services of a licensed caterer, the applicant shall declare upon
12 application which licensed caterer will be used. The licensed
13 caterer shall be responsible for payment of all applicable mixed
14 beverage taxes through the existing Mixed Beverage Tax Permit issued
15 to his or her business by the Oklahoma Tax Commission.

16 M. A hotel beverage license shall authorize the holder thereof:
17 To sell or serve alcoholic beverages in 50 milliliter spirits, 187
18 milliliter wine, and 12-ounce malt beverage containers which are
19 distributed from a hotel room mini-bar. A hotel beverage license
20 shall only be issued in counties of this state where the sale of
21 alcoholic beverages by the individual drink for on-premises
22 consumption has been authorized. A hotel beverage license shall
23 only be issued to a hotel or motel as defined by Section 506 of this
24 title which is also the holder of a mixed beverage license.

1 Provided, that application may be made simultaneously for both such
2 licenses. A separate license shall be required for each place of
3 business.

4 N. An airline/railroad beverage license shall authorize the
5 holder thereof: To sell or serve alcoholic beverages in or from any
6 size container on a commercial passenger airplane or railroad
7 operated in compliance with a valid license, permit or certificate
8 issued under the authority of the United States or this state, even
9 though the airplane or train, in the course of its travel, may cross
10 an area in which the sale of alcoholic beverages by the individual
11 drink is not authorized and to store alcoholic beverages in sealed
12 containers of any size at any airport or station regularly served by
13 the licensee, in accordance with rules promulgated by the Alcoholic
14 Beverage Laws Enforcement Commission. Alcoholic beverages purchased
15 by the holder of an airline/railroad license from the holder of a
16 wholesaler license shall be presumed to be purchased for consumption
17 outside the State of Oklahoma or in interstate commerce, and shall
18 be exempt from the excise tax provided for in Section 553 of this
19 title.

20 O. An agent license shall authorize the holder thereof: To
21 represent only the holders of licenses within this state, other than
22 retailers, authorized to sell alcoholic beverages to retail dealers
23 in Oklahoma, and to solicit and to take orders for the purchase of
24 alcoholic beverages from retailers including licensees authorized to

1 sell alcoholic beverages by the individual drink for on-premises
2 consumption. Such license shall be issued only to agents and
3 employees of the holder of a license under the Oklahoma Alcoholic
4 Beverage Control Act, but no such license shall be required of an
5 employee making sales of alcoholic beverages on licensed premises of
6 the employee's principal. No person holding an agent license shall
7 be entitled to a manufacturers agent license.

8 P. An employee license shall authorize the holder thereof: To
9 work in a package store, mixed beverage establishment, beer and wine
10 establishment, bottle club, public event or any establishment where
11 alcohol or alcoholic beverages are sold, mixed, or served. Persons
12 employed by a mixed beverage licensee, beer and wine licensee,
13 public event licensee or a bottle club who do not participate in the
14 service, mixing, or sale of mixed beverages shall not be required to
15 have an employee license. Provided, however, that a manager
16 employed by a mixed beverage licensee, public event licensee or a
17 bottle club shall be required to have an employee license whether or
18 not the manager participates in the service, mixing or sale of mixed
19 beverages. Applicants for an employee license must have a health
20 card issued by the county in which they are employed, if the county
21 issues such a card. Employees of special event, caterer, unless
22 catering a mixed beverage licensed premises, or airline/railroad
23 beverage licensees shall not be required to obtain an employee
24 license. Persons employed by a hotel licensee who participate in

1 the stocking of hotel room mini-bars or in the handling of alcoholic
2 beverages to be placed in such devices shall be required to have an
3 employee license.

4 Q. An industrial license may be issued to persons desiring to
5 import, transport, and use alcohol for the following purposes:

6 1. Manufacture of patent, proprietary, medicinal,
7 pharmaceutical, antiseptic, and toilet preparations;

8 2. Manufacture of extracts, syrups, condiments, and food
9 products; and

10 3. For use in scientific, chemical, mechanical, industrial, and
11 medicinal products and purposes.

12 No other provisions of the Oklahoma Alcoholic Beverage Control
13 Act shall apply to alcohol intended for industrial, medical,
14 mechanical or scientific use.

15 Any person receiving alcohol under authority of an industrial
16 license who shall use, permit, or cause same to be used for purposes
17 other than authorized purposes specified above, and all such
18 alcohol, shall be liable to all provisions of the Oklahoma Alcoholic
19 Beverage Control Act, including payment of tax thereon.

20 No provisions of the Oklahoma Alcoholic Beverage Control Act
21 shall apply to alcohol withdrawn by any person free of federal tax
22 under a tax-free permit issued by the United States government, if
23 such alcohol is received, stored, and used as authorized by federal
24 laws.

1 R. A carrier license may be issued to any common carrier
2 operating under a certificate of convenience and necessity issued by
3 any duly authorized federal or state regulatory agency. Such
4 license shall authorize the holder thereof to transport alcoholic
5 beverages other than wine sold directly by a winemaker or winery to
6 a retail package store or restaurant into, within, and out of this
7 state under such terms, conditions, limitations, and restrictions as
8 the ABLE Commission may prescribe by order issuing such license and
9 by regulations.

10 S. A private carrier license may be issued to any carrier other
11 than a common carrier described in subsection Q of this section.
12 Such license shall authorize the holder thereof to transport
13 alcoholic beverages other than wine sold directly by a winemaker or
14 winery to a retail package store or restaurant into, within, or out
15 of this state under such terms, conditions, limitations, and
16 restrictions as the ABLE Commission may prescribe by order issuing
17 such license and by regulations. No carrier license or private
18 carrier license shall be required of licensed brewers, distillers,
19 winemakers, rectifiers, wholesalers, or Class B wholesalers, to
20 transport alcoholic beverages from the place of purchase or
21 acquisition to the licensed premises of such licensees and from such
22 licensed premises to the licensed premises of the purchaser in
23 vehicles owned or leased by such licensee when such transportation
24 is for a lawful purpose and not for hire.

1 No carrier license or private carrier license shall be required
2 of the holder of a package store, mixed beverage, caterer, special
3 event, hotel beverage, public event or airline/railroad license to
4 pick up alcoholic beverage orders from the licensees' wholesaler or
5 Class B wholesaler from whom they are purchased, and to transport
6 such alcoholic beverages from the place of purchase or acquisition
7 to the licensed premise of such licensees in vehicles owned or under
8 the control of such licensee or a licensed employee of such licensee
9 under such terms, conditions, limitations and restrictions as the
10 ABLE Commission may prescribe.

11 T. A bonded warehouse license shall authorize the holder
12 thereof: To receive and store alcoholic beverages for the holders of
13 storage licenses on the licensed premises of the bonded warehouse
14 licensee. No goods, wares or merchandise other than alcoholic
15 beverages may be stored in the same bonded warehouse with alcoholic
16 beverages. The holder of a bonded warehouse license shall furnish
17 and file with the ABLE Commission a bond running to all bailers of
18 alcoholic beverages under proper storage licenses and their
19 assignees (including mortgagees or other bona fide lienholders)
20 conditioned upon faithful performance of the terms and conditions of
21 such bailments.

22 U. A storage license may be issued to a holder of a brewer,
23 distiller, winemaker, rectifier, wholesaler, Class B wholesaler,
24 nonresident seller, package store, mixed beverage, caterer, public

1 event or hotel beverage license, and shall authorize the holder
2 thereof: To store alcoholic beverages in a public warehouse holding
3 a bonded warehouse license, and no goods, wares or merchandise other
4 than alcoholic beverages may be stored in the same warehouse with
5 alcoholic beverages in private warehouses owned or leased and
6 operated by such licensees elsewhere than on their licensed
7 premises. Provided:

8 1. A storage license issued to a Class B wholesaler shall
9 permit the storage of light beer and permit the sale and delivery to
10 retailers from the premises covered by such license;

11 2. Any licensee who is the holder of a mixed beverage/caterer
12 combination license or the holder of a mixed beverage license and a
13 hotel beverage license who is issued a storage license shall store
14 all inventories of alcoholic beverages either on the premises of the
15 mixed beverage establishment or in the warehouse;

16 3. A storage license shall not be required for a special event
17 licensee storing alcoholic beverages for use at a subsequent event;

18 4. A storage license shall be required for a public event
19 licensee storing alcoholic beverages for use at a subsequent event;
20 and

21 5. Notwithstanding the provisions of subsection I of this
22 section or any other provision of this title, a licensee who wholly
23 owns more than one licensed mixed beverage establishment may store
24 alcoholic beverages for each of the licensed establishments in one

1 location under one storage license. Alcoholic beverages purchased
2 and stored pursuant to the provisions of a storage license, for one
3 licensed mixed beverage establishment may be transferred by a
4 licensee to another licensed mixed beverage establishment which is
5 wholly owned by the same licensee. Notice of such a transfer shall
6 be given in writing to the Oklahoma Tax Commission and the ABLE
7 Commission within three (3) business days of the transfer. The
8 notice shall clearly show the quantity, brand and size of every
9 transferred bottle or case.

10 V. A sacramental wine supplier license shall authorize the
11 holder thereof: To sell, ship or deliver sacramental wine to any
12 religious corporation or society of this state holding a valid
13 exemption from taxation issued pursuant to Section 501(a) of the
14 Internal Revenue Code, 1986, and listed as an exempt organization in
15 Section 501(c) (3) of the Internal Revenue Code, 1986, of the United
16 States, as amended.

17 W. A beer and wine license shall authorize the holder thereof:
18 To purchase beer and wine in retail containers from the holder of a
19 wholesaler or Class B wholesaler license or as specifically provided
20 by law and to sell, offer for sale and possess beer and wine for on-
21 premises consumption only; provided, the holder of a beer and wine
22 license issued for an establishment which is also a restaurant may
23 purchase wine from a winemaker who is permitted and has elected to
24

1 self-distribute as provided in Section 3 of Article XXVIII of the
2 Oklahoma Constitution.

3 Sales and service of beer and wine by holders of beer and wine
4 licenses shall be limited to the licensed premises of the licensee
5 unless the holder of the beer and wine license also obtains a
6 caterer license. A beer and wine license shall only be issued in
7 counties of this state where the sale of alcoholic beverages by the
8 individual drink for on-premises consumption has been authorized. A
9 separate license shall be required for each place of business. ~~No~~
10 ~~beer and wine license shall be issued for any place of business~~
11 ~~functioning as a motion picture theater, as defined by Section 506~~
12 ~~of this title.~~ No spirits shall be stored, possessed or consumed on
13 the licensed premises of a beer and wine licensee.

14 X. A charitable auction or charitable alcoholic beverage event
15 license may be issued to a charitable organization exempt from
16 taxation under Section 501(c)(3), (4), (5), (6), (7), (8), (9),
17 (10), or (19) of the United States Internal Revenue Code. The
18 charitable alcoholic beverage event license shall authorize the
19 holder thereof to conduct a wine, spirit and/or beer event which may
20 consist of one or more of a wine, spirit and/or beer tasting event,
21 a wine, spirit and/or beer dinner event or a wine, spirit and/or
22 beer auction, which may be either a live auction conducted by an
23 auctioneer or a silent auction for which:

24

1 1. Bid sheets are accepted from interested bidders at the
2 event;

3 2. The holders of tickets are allowed to bid online for a
4 period not exceeding thirty (30) days prior to the event; or

5 3. Both bid sheets are accepted at the event and online bids
6 are accepted pursuant to paragraph 2 of this subsection.

7 A charitable alcoholic beverage event shall be conducted solely
8 to raise funds for charitable purposes. A charitable alcoholic
9 beverage license will allow the event attendees access to tastings,
10 samples, dinners, and alcoholic beverages as parts of their entrance
11 fee or ticket price. Wine, spirits and/or beer used in, served, or
12 consumed at a charitable alcoholic beverage event may be purchased
13 by the charitable organization or donated by any person or entity.
14 The charitable alcoholic beverage event license shall be issued for
15 a period not exceeding four (4) days. Only eight such licenses may
16 be issued to an organization in any twelve-month period. The
17 charitable organization holding a charitable alcoholic beverage
18 event license shall not be required to obtain a special event
19 license. Charitable auction and charitable alcoholic beverage event
20 license holders may also utilize a licensed caterer to provide
21 additional alcohol services at the event and on the premises. The
22 charitable auction license shall authorize the holder thereof to
23 auction wine, spirits, and/or beer purchased from a retail package
24 store or received as a gift from an individual if the auction is

1 conducted to raise funds for charitable purposes. The charitable
2 auction license shall be issued for a period not to exceed two (2)
3 days. Only four such licenses shall be issued to an organization in
4 any twelve-month period. The maximum amount of wine, spirits,
5 and/or beer auctioned pursuant to the charitable auction license
6 shall not exceed fifty (50) gallons. All wine, beer, and spirits
7 auctioned pursuant to the charitable auction license shall be
8 registered and all fees and taxes shall be paid in accordance with
9 the Oklahoma Alcoholic Beverage Control Act.

10 Y. A mixed beverage/caterer combination license shall authorize
11 the holder thereof: To purchase or sell mixed beverages as
12 specifically provided by law for the holder of a mixed beverage
13 license or a caterer license. All provisions of the Oklahoma
14 Alcoholic Beverage Control Act applicable to mixed beverage licenses
15 or caterer licenses, or the holders thereof, shall also be
16 applicable to mixed beverage/caterer combination licenses or the
17 holders thereof, except where specifically otherwise provided. A
18 mixed beverage/caterer combination license shall only be issued in
19 counties of this state where the sale of alcoholic beverages by the
20 individual drink for on-premises consumption has been authorized. A
21 separate license shall be required for each place of business.

22 A licensed mixed beverage/caterer licensee shall be authorized
23 to sell mixed beverages for on-premises consumption incidental to
24 the distribution of food at temporary private functions, at

1 temporary public events that are licensed and approved by the ABLE
2 Commission, and on the premises of a mixed beverage licensee whose
3 main purpose is the hosting of live art presentations and is not
4 open to the public more than one hundred twenty (120) days per year.

5 Z. In the event any portion of this section is declared invalid
6 for any reason, the invalid portion shall be severed and the rest
7 and remainder of the section shall be saved and given full force and
8 application.

9 AA. Except as provided in Sections 554.1 and 554.2 of this
10 title with respect to cities, towns and counties, and except as may
11 be provided under Title 68 of the Oklahoma Statutes with respect to
12 the Oklahoma Tax Commission, no license or permit other than
13 licenses as provided under the Oklahoma Alcoholic Beverage Control
14 Act shall be required of any licensee by any agency, instrumentality
15 or political subdivision of this state to engage in any activity
16 covered by the Oklahoma Alcoholic Beverage Control Act anywhere
17 within the State of Oklahoma and no agency, instrumentality or
18 political subdivision of this state shall interfere with the ABLE
19 Commission's regulation of, or a wholesaler's performance of, the
20 sale, distribution, possession, handling or marketing of alcoholic
21 beverages on any premises of any licensee as defined in Section 506
22 of this title.

23
24

1 SECTION 2. This act shall become effective November 1, 2016.

2
3 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
4 SUBSTANCES, dated 02/18/2016 - DO PASS, As Coauthored.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24