

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3641

By: Dempsey

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A  
8 O.S. 2021, Section 2-103, which relates to  
9 distiller's licenses; allowing holders of a  
10 distiller's license to open satellite locations;  
11 providing allowed activities and sales that may occur  
12 at satellite locations; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-103, is  
16 amended to read as follows:

17 Section 2-103. A. A distiller license shall authorize the  
18 holder thereof:

19 1. To manufacture, bottle, package and store spirits on  
20 licensed premises;

21 2. To sell spirits in this state to licensed wholesalers and  
22 manufacturers ~~only~~;

23 3. To sell spirits out of this state to qualified persons ~~to~~  
24 purchase from licensed distillers and rectifiers in this state, and

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

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17 or withdrawn from the distillery for use or consumption within the  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

20 5. To sell spirits produced by the licensee for either on-  
21 premises or off-premises consumption to consumers on the licensed  
22 distillery premises or in an area controlled by the licensee located  
23 contiguous to the licensed distillery premises. Product offered for  
24 sale by the Oklahoma-licensed distiller will have been sold to and

1 shipped to an Oklahoma licensed wine and spirits wholesaler and then  
2 made available for purchase by the Oklahoma-licensed distiller ~~for~~  
3 to sale; and

4 6. To sell spirits at public events such as trade shows or  
5 festivals. Products offered for sale by the Oklahoma licensed  
6 distiller will have been sold to and shipped to an Oklahoma licensed  
7 wine and spirits wholesaler and then made available for purchase by  
8 the Oklahoma licensed distiller; and

9 7. To establish distiller's satellite locations, which shall be  
10 considered extensions of the distiller's licensed premises, where  
11 the distiller's products may be tasted, sampled, and served for on-  
12 premises consumption and the holder of a distiller's license is  
13 permitted to sell the distiller's products in sealed containers,  
14 provided that the distiller's license is active and in good standing  
15 and the product offered for sale by the Oklahoma licensed distiller  
16 will have first been sold to and shipped to an Oklahoma licensed  
17 wine and spirit wholesaler and then made available for purchase by  
18 the Oklahoma licensed distiller to sell. The spirits sold at a  
19 satellite tasting room must have been produced and manufactured by  
20 the holder of the distiller license.

21 B. Spirits sold pursuant to paragraphs 5 ~~and~~, 6, and 7 of  
22 subsection A of this section shall not exceed fifteen thousand  
23 (15,000) gallons per calendar year in combination.

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SECTION 2. This act shall become effective November 1, 2022.

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