

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
JOINT
3 RESOLUTION NO. 1002

By: Kirby of the House

and

David of the Senate

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A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 3 of Article XXVIII of the Constitution of the State of Oklahoma; authorizing wineries to ship wine to certain consumers; providing ballot title; and directing filing.

AUTHORS: Add the following Senate Coauthors: Sharp and Thompson

AMENDMENT NO. 1. Page 1, strike the title to read

"[Joint Resolution - amendment - wineries - ballot title - filing]"

1 Passed the Senate the 18th day of April, 2016.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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Oklahoma; authorizing wineries to ship wine to
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14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
15 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

16 SECTION 1. The Secretary of State shall refer to the people for
17 their approval or rejection, as and in the manner provided by law,
18 the following proposed amendment to Section 3 of Article XXVIII of
19 the Constitution of the State of Oklahoma to read as follows:

20 Section 3. A. The Legislature shall enact laws providing for
21 the strict regulation, control, licensing, and taxation of the
22 manufacture, sale, distribution, possession, and transportation of
23 alcoholic beverages, consistent with the provisions of this
24 Amendment. Provided, that any manufacturer, or subsidiary of any

1 manufacturer, who markets his or her product solely through a
2 subsidiary or subsidiaries, a distiller, rectifier, bottler,
3 winemaker, brewer, or importer of alcoholic beverages, bottled or
4 made in a foreign country, either within or without this state,
5 shall be required to sell such brands or kinds of alcoholic
6 beverages to every licensed wholesale distributor who desires to
7 purchase the same, on the same price basis and without
8 discrimination, and shall further be required to sell such beverages
9 only to those distributors licensed as wholesale distributors.

10 Winemakers either within or without this state shall be required to
11 sell wine they produce to every licensed wholesale distributor who
12 desires to purchase the wine, but winemakers shall not be required
13 to sell the wine they produce only to licensed wholesale
14 distributors. Winemakers either within or without this state may
15 sell wine produced at the winery to adult consumers who are at least
16 twenty-one (21) years of age and are physically present on the
17 premises of the winery or at a festival or trade show. Wineries
18 either within or without this state that purchase a direct shipper's
19 permit for an amount established in statute by the Legislature or
20 are licensed by the Oklahoma Alcoholic Beverage Laws Enforcement
21 Commission may receive orders for, sell and ship wine directly to
22 consumers over the age of twenty-one (21) years either within or
23 without this state who have visited the winery in person and
24 purchased the wine on the premises for personal use. Winemakers

1 either within or without this state that annually produce no more
2 than ten thousand (10,000) gallons of wine may sell and ship only
3 the wine they produce directly to licensed retail package stores and
4 restaurants in this state; provided, however, that any such
5 winemaker which elects to directly sell its wine to package stores
6 and restaurants shall not also use a licensed wholesale distributor
7 as a means of distribution, and shall be required to sell its wines
8 to every package store and restaurant licensee who desires to
9 purchase the same, as supplies allow, on the same price basis and
10 without discrimination. As used in this section, "restaurant" means
11 an establishment that is licensed to sell alcoholic beverages by the
12 individual drink for on-premises consumption and where food is
13 prepared and sold for immediate consumption on the premises.

14 B. Any winemaker within or without this state that annually
15 produces no more than ten thousand (10,000) gallons of wine and
16 elects to directly sell its wine to retail package stores and
17 restaurants in this state must self-distribute the wine using only
18 vehicle(s) owned or leased by the winemaker, and without the use of
19 a common or private contract carrier.

20 C. All laws passed by the Legislature under the authority of
21 the Article shall be consistent with this provision. All provisions
22 of this amendment are declared to be interdependent. If any
23 provision of this amendment applicable to winemakers is ruled to be
24 unconstitutional by a court of competent jurisdiction, then no

1 winemaker shall be permitted to directly sell its wine to retail
2 package stores or restaurants in this state.

3 SECTION 2. The Ballot Title for the proposed Constitutional
4 amendment as set forth in SECTION 1 of this resolution shall be in
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 3 of Article 28 of the State
10 Constitution. It would allow wine to be shipped by wineries
11 directly to consumers who have visited the winery and purchased
12 the wine on the premises for personal use. The individuals
13 shipping the wine would need a direct shipper's permit or a
14 license.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

18 SECTION 3. The Chief Clerk of the House of Representatives,
19 immediately after the passage of this resolution, shall prepare and
20 file one copy thereof, including the Ballot Title set forth in
21 SECTION 2 hereof, with the Secretary of State and one copy with the
22 Attorney General.

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1 Adopted by the House of Representatives the 9th day of March,
2015.

4 _____
Presiding Officer of the House
of Representatives

6 Adopted by the Senate the ___ day of _____, 2015.

8 _____
Presiding Officer of the Senate