

1 **SENATE FLOOR VERSION**

2 February 27, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1057

By: Rosino of the Senate

and

Echols of the House

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9 An Act relating to alcoholic beverages; creating the
10 Marissa Murrow Act; providing short title; amending
11 37A O.S. 2021, Sections 1-103, 2-101, 2-112, and 2-
12 113, which relate to definitions, license fees and
13 surcharges, caterer license, rules, and restrictions
14 of caterer license; prohibiting caterers from certain
15 actions; defining term, providing fee and surcharge
16 for certain license; expanding authorization;
17 prohibiting caterers from certain actions; providing
18 necessary criteria for event venues; defining terms;
19 requiring certain enforcement; providing for the
20 promulgation of rules; updating statutory reference;
21 providing for noncodification; providing for
22 codification; and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Marissa Murrow
Act".

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

1 Section 1-103. As used in the Oklahoma Alcoholic Beverage
2 Control Act:

3 1. "ABLE Commission" or "Commission" means the Alcoholic
4 Beverage Laws Enforcement Commission;

5 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
6 alcohol, ethanol or spirits of wine, from whatever source or by
7 whatever process produced. It does not include wood alcohol or
8 alcohol which has been denatured or produced as denatured in
9 accordance with Acts of Congress and regulations promulgated
10 thereunder;

11 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
12 as those terms are defined herein and also includes every liquid or
13 solid, patented or not, containing alcohol, spirits, wine or beer
14 and capable of being consumed as a beverage by human beings;

15 4. "Applicant" means any individual, legal or commercial
16 business entity, or any individual involved in any legal or
17 commercial business entity allowed to hold any license issued in
18 accordance with the Oklahoma Alcoholic Beverage Control Act;

19 5. "Beer" means any beverage of alcohol by volume and obtained
20 by the alcoholic fermentation of an infusion or decoction of barley,
21 or other grain, malt or similar products. "~~Beer~~" Beer may or may
22 not contain hops or other vegetable products. "~~Beer~~" Beer includes,
23 among other things, beer, ale, stout, lager beer, porter and other

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1 malt or brewed liquors, but does not include sake, known as Japanese
2 rice wine;

3 6. "Beer keg" means any brewer-sealed, single container that
4 contains not less than four (4) gallons of beer;

5 7. "Beer distributor" means and includes any person licensed to
6 distribute beer for retail sale in the state, but does not include a
7 holder of a small brewer self-distribution license or brewpub self-
8 distribution license. The term "distributor", as used in the
9 Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
10 to a beer distributor;

11 8. "Bottle club" means any establishment in a county which has
12 not authorized the retail sale of alcoholic beverages by the
13 individual drink, which is required to be licensed to keep, mix and
14 serve alcoholic beverages belonging to club members on club
15 premises;

16 9. "Bottle service" means the sale and provision of spirits in
17 their original packages by a mixed beverage licensee to be consumed
18 in that mixed beverage licensee's club suite;

19 10. "Brand" means any word, name, group of letters, symbol or
20 combination thereof, that is adopted and used by a licensed brewer
21 to identify a specific beer, wine or spirit and to distinguish that
22 product from another beer, wine or spirit;

23 11. "Brand extension" means:
24

1 a. after October 1, 2018, any brand of beer or cider
2 introduced by a manufacturer in this state which
3 either:

4 (1) incorporates all or a substantial part of the
5 unique features of a preexisting brand of the
6 same licensed brewer, or

7 (2) relies to a significant extent on the goodwill
8 associated with the preexisting brand, or

9 b. any brand of beer that a brewer, the majority of whose
10 total volume of all brands of beer distributed in this
11 state by such brewer on January 1, 2016, was
12 distributed as low-point beer, desires to sell,
13 introduces, begins selling or theretofore has sold and
14 desires to continue selling a strong beer in this
15 state which either:

16 (1) incorporates or incorporated all or a substantial
17 part of the unique features of a preexisting low-
18 point beer brand of the same licensed brewer, or

19 (2) relies or relied to a significant extent on the
20 goodwill associated with a preexisting low-point
21 beer brand;

22 12. "Brewer" means and includes any person who manufactures for
23 human consumption by the use of raw materials or other ingredients
24

1 any beer or cider upon which a license fee and a tax are imposed by
2 any law of this state;

3 13. "Brewpub" means a licensed establishment operated on the
4 premises of, or on premises located contiguous to, a small brewer,
5 that prepares and serves food and beverages, including alcoholic
6 beverages, for on-premises consumption;

7 14. "Cider" means any alcoholic beverage obtained by the
8 alcoholic fermentation of fruit juice, including but not limited to
9 flavored, sparkling or carbonated cider. For the purposes of the
10 manufacture of this product, cider may be manufactured by either
11 manufacturers or brewers. For the purposes of the distribution of
12 this product, cider may be distributed by either wine and spirits
13 wholesalers or beer distributors;

14 15. "Club suite" means a designated area within the premises of
15 a mixed beverage licensee designed to provide an exclusive space
16 which is limited to a patron or patrons specifically granted access
17 by a mixed beverage licensee and is not accessible to other patrons
18 of the mixed beverage licensee or the public. A club suite must
19 have a clearly designated point of access for a patron or patrons
20 specifically granted access by the mixed beverage licensee to ensure
21 that persons present in the suite are limited to patrons
22 specifically granted access by the mixed beverage licensee and
23 employees providing services to the club suite;

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1 16. "Convenience store" means any person primarily engaged in
2 retailing a limited range of general household items and groceries,
3 with extended hours of operation, whether or not engaged in retail
4 sales of automotive fuels in combination with such sales;

5 17. "Convicted" and "conviction" mean and include a finding of
6 guilt resulting from a plea of guilty or nolo contendere, the
7 decision of a court or magistrate or the verdict of a jury,
8 irrespective of the pronouncement of judgment or the suspension
9 thereof;

10 18. "Designated products" means the brands of wine or spirits
11 offered for sale by a manufacturer that the manufacturer has
12 assigned to a designated wholesaler for exclusive distribution;

13 19. "Designated wholesaler" means a wine and spirits wholesaler
14 who has been selected by a manufacturer as a wholesaler appointed to
15 distribute designated products;

16 20. "Director" means the Director of the ABLE Commission;

17 21. "Distiller" means any person who produces spirits from any
18 source or substance, or any person who brews or makes mash, wort or
19 wash, fit for distillation or for the production of spirits (except
20 a person making or using such material in the authorized production
21 of wine or beer, or the production of vinegar by fermentation), or
22 any person who by any process separates alcoholic spirits from any
23 fermented substance, or any person who, making or keeping mash, wort
24 or wash, has also in his or her possession or use a still;

1 22. "Distributor agreement" means the written agreement between
2 the distributor and brewer as set forth in Section 3-108 of this
3 title;

4 23. "Drug store" means a person primarily engaged in retailing
5 prescription and nonprescription drugs and medicines;

6 24. "Dual-strength beer" means a brand of beer that,
7 immediately prior to April 15, 2017, was being sold and distributed
8 in this state:

9 a. as a low-point beer pursuant to the Low-Point Beer
10 Distribution Act in effect immediately prior to
11 October 1, 2018, and

12 b. as strong beer pursuant to the Oklahoma Alcoholic
13 Beverage Control Act in effect immediately prior to
14 October 1, 2018,

15 and continues to be sold and distributed as such on October 1, 2018.
16 Dual-strength beer does not include a brand of beer that arose as a
17 result of a brand extension as defined in this section;

18 25. "Event venue" means a location, property, space, premises,
19 grounds, building or buildings, or other site that offers to the
20 general public for rent, lease, reservation, or other contractual
21 use, for the hosting of a function, occasion, or event, special,
22 private, or public, of a temporary nature as a primary source of
23 income. The location, property, space, premises, grounds, or
24 building or buildings defined in this paragraph shall not include

1 locations where the primary purpose is a permanent personal
2 residence including, but not limited to, a residential home, duplex,
3 condo, apartment building, or other place of residence or
4 organizations exempt from taxation pursuant to the provisions of the
5 Internal Revenue Code, 26 U.S.C., Section 501(c) (3);

6 26. "Fair market value" means the value in the subject
7 territory covered by the written agreement with the distributor or
8 wholesaler that would be determined in an arm's length transaction
9 entered into without duress or threat of termination of the
10 distributor's or wholesaler's rights and shall include all elements
11 of value, including goodwill and going-concern value;

12 ~~26.~~ 27. "Good cause" means:

- 13 a. failure by the distributor to comply with the material
14 and reasonable provisions of a written agreement or
15 understanding with the brewer, or
16 b. failure by the distributor to comply with the duty of
17 good faith;

18 ~~27.~~ 28. "Good faith" means the duty of each party to any
19 distributor agreement and all officers, employees or agents thereof
20 to act with honesty in fact and within reasonable standards of fair
21 dealing in the trade;

22 ~~28.~~ 29. "Grocery store" means a person primarily engaged in
23 retailing a general line of food, such as canned or frozen foods,
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1 fresh fruits and vegetables, and fresh and prepared meats, fish and
2 poultry;

3 ~~29.~~ 30. "Hotel" or "motel" means an establishment which is
4 licensed to sell alcoholic beverages by the individual drink and
5 which contains guestroom accommodations with respect to which the
6 predominant relationship existing between the occupants thereof and
7 the owner or operator of the establishment is that of innkeeper and
8 guest. For purposes of this section, the existence of other legal
9 relationships as between some occupants and the owner or operator
10 thereof shall be immaterial;

11 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the
12 requisites of a newspaper for publication of legal notices as
13 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
14 Statutes;

15 ~~31.~~ 32. "Licensee" means any person holding a license under the
16 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
17 employee of such licensee while in the performance of any act or
18 duty in connection with the licensed business or on the licensed
19 premises;

20 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing
21 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
22 not more than three and two-tenths percent (3.2%) alcohol by weight,
23 including but not limited to, beer or cereal malt beverages obtained
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1 by the alcoholic fermentation of an infusion by barley or other
2 grain, malt or similar products;

3 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier
4 or bottler of any alcoholic beverage (other than beer) and its
5 subsidiaries, affiliates and parent companies;

6 ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned
7 salesperson who is the agent authorized to act on behalf of the
8 manufacturer or nonresident seller in the state;

9 ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner
10 and at least part of which is cooked on the licensed premises and
11 requires the use of dining implements for consumption. Provided,
12 that the service of only food such as appetizers, sandwiches, salads
13 or desserts shall not be considered ~~"meals"~~ meals;

14 ~~36.~~ 37. "Mini-bar" means a closed container, either
15 refrigerated in whole or in part, or nonrefrigerated, and access to
16 the interior of which is:

- 17 a. restricted by means of a locking device which requires
18 the use of a key, magnetic card or similar device, or
19 b. controlled at all times by the licensee;

20 ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever
21 name designated, consisting of an alcoholic beverage and fruit or
22 vegetable juice, fruit or vegetable flavorings, dairy products or
23 carbonated water containing more than one-half of one percent (1/2
24 of 1%) of alcohol measured by volume but not more than seven percent

1 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
2 packaged in a container not larger than three hundred seventy-five
3 (375) milliliters. Such term shall include but not be limited to
4 the beverage popularly known as a "wine cooler";

5 ~~38.~~ 39. "Mixed beverages" means one or more servings of a
6 beverage composed in whole or part of an alcoholic beverage in a
7 sealed or unsealed container of any legal size for consumption on
8 the premises where served or sold by the holder of a mixed beverage,
9 beer and wine, caterer, public event, charitable event or special
10 event license;

11 ~~39.~~ 40. "Motion picture theater" means an establishment which
12 is licensed by Section 2-110 of this title to sell alcoholic
13 beverages by the individual drink and where motion pictures are
14 exhibited, and to which the general public is admitted;

15 ~~40.~~ 41. "Nondesignated products" means the brands of wine or
16 spirits offered for sale by a manufacturer that have not been
17 assigned to a designated wholesaler;

18 ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant
19 to Section 2-135 of this title;

20 ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting
21 orders from and calling upon retail alcoholic beverage stores with
22 regard to his or her product;

23 ~~43.~~ 44. "Occupation" as used in connection with "occupation
24 tax" means the sites occupied as the places of business of the

1 manufacturers, brewers, wholesalers, beer distributors, retailers,
2 mixed beverage licensees, on-premises beer and wine licensees,
3 bottle clubs, caterers, public event and special event licensees;

4 ~~44.~~ 45. "Original package" means any container of alcoholic
5 beverage filled and stamped or sealed by the manufacturer or brewer;

6 ~~45.~~ 46. "Package store" means any sole proprietor or
7 partnership that qualifies to sell wine, beer and/or spirits for
8 off-premises consumption and that is not a grocery store,
9 convenience store or drug store, or other retail outlet that is not
10 permitted to sell wine or beer for off-premises consumption;

11 ~~46.~~ 47. "Patron" means any person, customer or visitor who is
12 not employed by a licensee or who is not a licensee;

13 ~~47.~~ 48. "Person" means an individual, any type of partnership,
14 corporation, association, limited liability company or any
15 individual involved in the legal structure of any such business
16 entity;

17 ~~48.~~ 49. "Premises" means the grounds and all buildings and
18 appurtenances pertaining to the grounds including any adjacent
19 premises if under the direct or indirect control of the licensee and
20 the rooms and equipment under the control of the licensee and used
21 in connection with or in furtherance of the business covered by a
22 license. ~~Provided that the~~ The ABLE Commission shall have the
23 authority to designate areas to be excluded from the licensed
24 premises solely for the purpose of:

- 1 a. allowing the presence and consumption of alcoholic
2 beverages by private parties which are closed to the
3 general public, or
4 b. allowing the services of a caterer serving alcoholic
5 beverages provided by a private party.

6 ~~This exception~~ These exceptions shall in no way limit the licensee's
7 concurrent responsibility for any violations of the Oklahoma
8 Alcoholic Beverage Control Act occurring on the licensed premises;

9 ~~49.~~ 50. "Private event" means a social gathering or event
10 attended by invited guests who share a common cause, membership,
11 business or task and have a prior established relationship. For
12 purposes of this definition, advertisement for general public
13 attendance or sales of tickets to the general public shall not
14 constitute a private event;

15 ~~50.~~ 51. "Public event" means any event that can be attended by
16 the general public;

17 ~~51.~~ 52. "Rectifier" means any person who rectifies, purifies or
18 refines spirits or wines by any process (other than by original and
19 continuous distillation, or original and continuous processing, from
20 mash, wort, wash or other substance, through continuous closed
21 vessels and pipes, until the production thereof is complete), and
22 any person who, without rectifying, purifying or refining spirits,
23 shall by mixing (except for immediate consumption on the premises
24 where mixed) such spirits, wine or other liquor with any material,

1 manufactures any spurious, imitation or compound liquors for sale,
2 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
3 or any other name;

4 ~~52.~~ 53. "Regulation" or "rule" means a formal rule of general
5 application promulgated by the ABLE Commission as herein required;

6 ~~53.~~ 54. "Restaurant" means an establishment that is licensed to
7 sell alcoholic beverages by the individual drink for on-premises
8 consumption and where food is prepared and sold for immediate
9 consumption on the premises;

10 ~~54.~~ 55. "Retail container for spirits and wines" means an
11 original package of any capacity approved by the United States
12 Bureau of Alcohol, Tobacco ~~and,~~ Firearms and Explosives;

13 ~~55.~~ 56. "Retailer" means a package store, grocery store,
14 convenience store or drug store licensed to sell alcoholic beverages
15 for off-premises consumption pursuant to a ~~Retail Spirits License~~
16 retail spirits license, Retail Wine License ~~retail wine license~~ or
17 ~~Retail Beer License~~ retail beer license;

18 ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any
19 manner or by any means whatsoever, and includes and means all sales
20 made by any person, whether as principal, proprietor or as an agent,
21 servant or employee. The term ~~"sale"~~ sale is also declared to be
22 and include the use or consumption in this state of any alcoholic
23 beverage obtained within or imported from without this state, upon
24

1 which the excise tax levied by the Oklahoma Alcoholic Beverage
2 Control Act has not been paid or exempted;

3 ~~57.~~ 58. "Short-order food" means food other than full meals
4 including but not limited to sandwiches, soups and salads. Provided
5 that popcorn, chips and other similar snack food shall not be
6 considered ~~"short-order food"~~ short-order food;

7 ~~58.~~ 59. "Small brewer" means a brewer who manufactures less
8 than sixty-five thousand barrels of beer annually pursuant to a
9 validly issued ~~Small Brewer License~~ small brewer license hereunder;

10 ~~59.~~ 60. "Small farm wine" means a wine that is produced by a
11 small farm winery with seventy-five percent (75%) or more Oklahoma-
12 grown grapes, berries, other fruits, honey or vegetables;

13 ~~60.~~ 61. "Small farm winery" means a wine-making establishment
14 that does not annually produce for sale more than fifteen thousand
15 (15,000) gallons of wine as reported on the United States Department
16 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
17 Wine Premises Operations (TTB Form 5120.17);

18 ~~61.~~ 62. "Sparkling wine" means champagne or any artificially
19 carbonated wine;

20 ~~62.~~ 63. "Special event" means an entertainment, recreation or
21 marketing event that occurs at a single location on an irregular
22 basis and at which alcoholic beverages are sold;

23 ~~63.~~ 64. "Spirits" means any beverage other than wine or beer,
24 which contains more than one-half of one percent (1/2 of 1%) alcohol

1 measured by volume, and obtained by distillation, whether or not
2 mixed with other substances in solution and includes those products
3 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
4 fortified wines and similar compounds, but shall not include any
5 alcohol liquid completely denatured in accordance with the Acts of
6 Congress and regulations pursuant thereto;

7 ~~64.~~ 65. "Strong beer" means beer which, prior to October 1,
8 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
9 Control Act, Section ~~501~~ 1-101 et seq. of Title ~~37~~ 37A of the
10 Oklahoma Statutes;

11 ~~65.~~ 66. "Successor brewer" means a primary source of supply, a
12 brewer, a cider manufacturer or an importer that acquires rights to
13 a beer or cider brand from a predecessor brewer;

14 ~~66.~~ 67. "Tax Commission" means the Oklahoma Tax Commission;

15 ~~67.~~ 68. "Territory" means a geographic region with a specified
16 boundary;

17 ~~68.~~ 69. "Wine and spirits wholesaler" or "wine and spirits
18 distributor" means and includes any sole proprietorship or
19 partnership licensed to distribute wine and spirits in the state.
20 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
21 Control Act, shall be construed to refer to a wine and spirits
22 wholesaler;

23 ~~69.~~ 70. "Wine" means and includes any beverage containing more
24 than one-half of one percent (1/2 of 1%) alcohol by volume and not

1 more than twenty-four percent (24%) alcohol by volume at sixty (60)
2 degrees Fahrenheit obtained by the fermentation of the natural
3 contents of fruits, vegetables, honey, milk or other products
4 containing sugar, whether or not other ingredients are added, and
5 includes vermouth and sake, known as Japanese rice wine;

6 ~~70.~~ 71. "Winemaker" means and includes any person or
7 establishment who manufactures for human consumption any wine upon
8 which a license fee and a tax are imposed by any law of this state;
9 and

10 ~~71.~~ 72. "Satellite tasting room" means a licensed establishment
11 operated off the licensed premises of the holder of a small farm
12 winery or winemaker license, which serves wine for on-premises or
13 off-premises consumption.

14 Words in the plural include the singular, and vice versa, and
15 words imparting the masculine gender include the feminine, as well
16 as persons and licensees as defined in this section.

17 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, is
18 amended to read as follows:

19 Section 2-101. A. Except as otherwise provided in this
20 section, the licenses issued by the ABLE Commission, and the annual
21 fees therefor, shall be as follows:

- 22 1. Brewer License..... \$1,250.00
- 23 2. Small Brewer License..... \$125.00
- 24 3. Distiller License..... \$3,125.00

1	4.	Winemaker License.....	\$625.00
2	5.	Small Farm Winery License.....	\$75.00
3	6.	Rectifier License.....	\$3,125.00
4	7.	Wine and Spirits Wholesaler License.....	\$3,000.00
5	8.	Beer Distributor License.....	\$750.00
6	9.	The following retail spirits license fees	
7		shall be determined by the latest Federal	
8		Decennial Census:	
9	a.	Retail Spirits License for cities and	
10		towns from 200 to 2,500 population.....	\$305.00
11	b.	Retail Spirits License for cities and	
12		towns from 2,501 to 5,000 population.....	\$605.00
13	c.	Retail Spirits License for cities and	
14		towns over 5,000 population.....	\$905.00
15	10.	Retail Wine License.....	\$1,000.00
16	11.	Retail Beer License.....	\$500.00
17	12.	Mixed Beverage License.....	\$1,005.00
18			(initial license)
19			\$905.00
20			(renewal)
21	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
22	14.	On-Premises Beer and Wine License.....	\$500.00
23			(initial license)
24			\$450.00

1		(renewal)	
2	15.	Bottle Club License.....	\$1,000.00
3		(initial license)	
4		\$900.00	
5		(renewal)	
6	16.	Caterer License.....	\$1,005.00
7		(initial license)	
8		\$905.00	
9		(renewal)	
10	17.	Annual Special Event License.....	\$55.00
11	18.	Quarterly Special Event License.....	\$55.00
12	19.	Hotel Beverage License.....	\$1,005.00
13		(initial license)	
14		\$905.00	
15		(renewal)	
16	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
17		License.....	\$1,005.00
18		(initial license)	
19		\$905.00	
20		(renewal)	
21	21.	Agent License.....	\$55.00
22	22.	Employee License.....	\$30.00
23	23.	Industrial License.....	\$23.00
24	24.	Carrier License.....	\$23.00

1	25.	Private Carrier License.....	\$23.00
2	26.	Bonded Warehouse License.....	\$190.00
3	27.	Storage License.....	\$23.00
4	28.	Nonresident Seller License	\$750.00
5	29.	Manufacturer License:	
6	a.	50 cases or less sold in Oklahoma in	
7		last calendar year.....	\$50.00
8	b.	51 to 500 cases sold in Oklahoma in	
9		last calendar year.....	\$75.00
10	c.	501 cases or more sold in Oklahoma in	
11		last calendar year.....	\$150.00
12	30.	Manufacturer's Agent License.....	\$55.00
13	31.	Sacramental Wine Supplier License.....	\$100.00
14	32.	Charitable Auction License.....	\$1.00
15	33.	Charitable Alcoholic Beverage License.....	\$55.00
16	34.	Winemaker Self-Distribution License.....	\$750.00
17	35.	Annual Public Event License.....	\$1,005.00
18	36.	One-Time Public Event License.....	\$255.00
19	37.	Small Brewer Self-Distribution License.....	\$750.00
20	38.	Brewpub License.....	\$1,005.00
21	39.	Brewpub Self-Distribution License.....	\$750.00
22	40.	Complimentary Beverage License.....	\$75.00
23	41.	Satellite Tasting Room License.....	\$100.00
24	42.	Event Venue License.....	\$500.00

1 B. 1. There shall be added to the initial or renewal fees for
2 a ~~Mixed Beverage License~~ mixed beverage license an administrative
3 fee, which shall not be deemed to be a license fee, in the amount of
4 Five Hundred Dollars (\$500.00), which shall be paid at the same time
5 and in the same manner as the license fees prescribed by paragraph
6 12 of subsection A of this section; provided, this fee shall not be
7 assessed against service organizations or fraternal beneficiary
8 societies which are exempt under Section 501(c)(19), (8) or (10) of
9 the Internal Revenue Code.

10 2. There shall be added to the fee for a ~~Mixed Beverage/Caterer~~
11 ~~Combination License~~ mixed beverage/caterer combination license an
12 administrative fee, which shall not be deemed to be a license fee,
13 in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be
14 paid at the same time and in the same manner as the license fee
15 prescribed by paragraph 13 of subsection A of this section.

16 C. Notwithstanding the provisions of subsection A of this
17 section:

18 1. The license fee for a mixed beverage or bottle club license
19 for those service organizations or fraternal beneficiary societies
20 which are exempt under Section 501(c)(19), (8) or (10) of the
21 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
22 year; and
23
24

1 2. The renewal fee for an airline/railroad/commercial passenger
2 vessel beverage license held by a railroad described in 49 U.S.C.,
3 Section 24301, shall be One Hundred Dollars (\$100.00).

4 D. An applicant may apply for and receive both an on-premises
5 beer and wine license and a caterer license.

6 E. All licenses, except as otherwise provided, shall be valid
7 for one (1) year from date of issuance unless revoked or
8 surrendered. Provided, all employee licenses shall be valid for two
9 (2) years.

10 F. The holder of a license, issued by the ABLE Commission, for
11 a bottle club located in a county of this state where the sale of
12 alcoholic beverages by the individual drink for on-premises
13 consumption has been authorized, may exchange the bottle club
14 license for a mixed beverage license or an on-premises beer and wine
15 license and operate the licensed premises as a mixed beverage
16 establishment or an on-premises beer and wine establishment subject
17 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
18 There shall be no additional fee for such exchange and the mixed
19 beverage license or on-premises beer and wine license issued shall
20 expire one (1) year from the date of issuance of the original bottle
21 club license.

22 G. In addition to the applicable licensing fee, the following
23 surcharge shall be assessed annually on the following licenses:

- 24 1. Nonresident Seller License..... \$2,500.00

1	2. Manufacturer License:	
2	a. 50 cases or less sold in Oklahoma in	
3	last calendar year.....	\$100.00
4	b. 51 to 500 cases sold in Oklahoma in	
5	last calendar year.....	\$225.00
6	c. 501 cases or more sold in Oklahoma in	
7	last calendar year.....	\$450.00
8	3. Wine and Spirits Wholesaler License.....	\$2,500.00
9	4. Beer Distributor.....	\$1,000.00
10	5. Retail Spirits License for cities and towns	
11	over 5,000 population.....	\$250.00
12	6. Retail Spirits License for cities and towns	
13	from 2,501 to 5,000 population.....	\$200.00
14	7. Retail Spirits License for cities and towns	
15	from 200 to 2,500 population.....	\$150.00
16	8. Retail Wine License.....	\$250.00
17	9. Retail Beer License.....	\$250.00
18	10. Mixed Beverage License.....	\$25.00
19	11. Mixed Beverage/Caterer Combination License.....	\$25.00
20	12. Caterer License.....	\$25.00
21	13. On-Premises Beer and Wine License.....	\$25.00
22	14. Annual Public Event License.....	\$25.00
23	15. Small Farm Winery License.....	\$25.00
24	16. Small Brewer License.....	\$35.00

1 17. Complimentary Beverage License..... \$25.00

2 18. Event Venue License..... \$500.00

3 The surcharge shall be paid concurrent with the licensee's
4 annual licensing fee and, in addition to Five Dollars (\$5.00) of the
5 employee license fee, shall be deposited in the Alcoholic Beverage
6 Governance Revolving Fund established pursuant to Section 5-128 of
7 this title.

8 H. Any license issued by the ABLE Commission under this title
9 may be relied upon by other licensees as a valid license, and no
10 other licensee shall have any obligation to independently determine
11 the validity of such license or be held liable solely as a
12 consequence of another licensee's failure to maintain a valid
13 license.

14 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-112, is
15 amended to read as follows:

16 Section 2-112. A caterer license shall authorize the holder
17 thereof to sell mixed beverages for on-premises consumption
18 incidental to the sale or distribution of food at particular
19 functions, occasions or events which are temporary in nature or at
20 event venues. A caterer license shall not be issued in lieu of a
21 mixed beverage license. A caterer license shall only be issued in
22 counties of this state where the sale of alcoholic beverages by the
23 individual drink for on-premises consumption has been authorized. A
24 separate license shall be required for each place of business.

1 SECTION 5. AMENDATORY 37A O.S. 2021, Section 2-113, is
2 amended to read as follows:

3 Section 2-113. A. 1. A caterer license may be issued to any
4 person for the purpose of sale, delivery, or distribution of
5 alcoholic beverages incidental to the sale or distribution of food
6 on a premises not licensed by the ABLE Commission or at event
7 venues. For purposes of this section, "incidental to the sale or
8 distribution of food" means food sales constituting at least thirty-
9 five percent (35%) of the caterer's total combined annual sales. A
10 caterer license shall not be issued to a person whose main purpose
11 is the sale of alcoholic beverages.

12 2. A caterer license may only be issued to those persons that
13 prepare, sell, and distribute food for consumption either on
14 licensed or unlicensed premises. In order to renew a caterer
15 license, annual food sales must constitute at least thirty-five
16 percent (35%) of the caterer's total combined sales based on the
17 most recent calendar year. A caterer shall not be required to
18 prepare, sell, and distribute food at every catered event as long as
19 the caterer satisfies the requirement set forth in this section.

20 3. Each caterer shall submit an annual sales report containing
21 revenue attributable to alcoholic beverages, food, and all other
22 revenues attributable to the catering service. The annual sales
23 report must be submitted thirty (30) days prior to expiration of the
24 caterer license on forms prescribed by the ABLE Commission. The

1 caterer license may not be renewed if the caterer fails to provide
2 complete or sufficient financial data.

3 4. Each caterer shall submit a monthly event report containing
4 information on all events scheduled for the subsequent month. If an
5 event is scheduled after the first day of the month for an event to
6 occur in the same month, then the caterer shall report that event
7 within twenty-four (24) hours of scheduling the event or within
8 twenty-four (24) hours prior to the event, whichever occurs first.
9 The monthly event report shall be submitted on the first day of each
10 month.

11 5. All reports shall be submitted electronically on forms
12 prescribed by the ABLE Commission. Provided, if the caterer does
13 not have access to the Internet, then monthly reports must be
14 submitted by facsimile to the ABLE Commission's office in Oklahoma
15 City, in which case the caterer must retain a copy of the facsimile
16 confirmation sheet for at least twelve (12) months.

17 6. Any caterer who fails to submit a monthly report shall have
18 the caterer license automatically suspended until such time that the
19 caterer has fully complied with all reporting requirements. Any
20 caterer whose annual food sales do not exceed thirty-five percent
21 (35%) of his or her total annual combined sales shall not have the
22 caterer's license renewed.

23 B. The ABLE Commission shall promulgate rules governing the
24 application for and the issuance of caterer licenses.

1 C. The restrictions and rules which apply to the sale of mixed
2 beverages on the premises of a mixed beverage licensee also apply to
3 the sale under the authority of a caterer license. Any act which if
4 done on the premises of a mixed beverage licensee would be a ground
5 for revocation or suspension of the mixed beverage license is a
6 ground for revocation or suspension of a caterer license.

7 D. If the premises where the event being catered is held are
8 already operating pursuant to another type of license issued by the
9 ABLE Commission, the caterer and the other licensee shall both be
10 responsible for the actions of the caterer and shall both be subject
11 to penalties for violations by the caterer of the Oklahoma Alcoholic
12 Beverage Control Act and any rules promulgated thereto.

13 E. A caterer licensee may not store alcoholic beverages unless
14 the licensee has a storage license issued by the ABLE Commission. A
15 caterer licensee selling beer and cider to consumers shall only
16 purchase such beer and cider from the distributor or wholesaler
17 within the county in which the licensee will be selling the beer and
18 cider to consumers.

19 F. A caterer may provide alcoholic beverage sales on the
20 premises of a person currently applying for a mixed beverage
21 license, provided the following terms have been satisfied:

22 1. The caterer shall take reasonable steps to ensure that the
23 mixed beverage applicant uses only licensed employees to perform
24 licensable activities while using the caterer's license. The

1 caterer shall use his or her best efforts to attempt to have a
2 licensed employee on-site supervising the sale of such caterer's
3 alcoholic beverages at all times, but the caterer shall not be
4 disciplined for failing to have a licensed employee on-site. The
5 caterer expressly acknowledges that he or she is liable for all
6 violations of the Oklahoma Alcoholic Beverage Control Act and rules
7 of the ABLE Commission that are committed by the mixed beverage
8 applicant and its employees during this period;

9 2. The caterer and mixed beverage applicant must submit to the
10 ABLE Commission a written agreement setting forth all the terms of
11 the catering agreement at least twenty-four (24) hours prior to the
12 commencement of the catered event; and

13 3. The caterer may not provide alcoholic beverage sales on the
14 unlicensed premises of the mixed beverage applicant for more than
15 sixty (60) days, or after the applicant's license has been denied,
16 whichever occurs first.

17 G. A caterer shall not sell or distribute alcoholic beverages
18 on the premises of an event venue as defined in Section 1-103 of
19 this title unless the event venue holds an event venue license
20 pursuant to Section 6 of this act.

21 A caterer may provide alcoholic beverage services for temporary
22 public events which have been licensed and approved by the ABLE
23 Commission.

24

1 H. A caterer may provide alcoholic beverage services for a
2 mixed beverage licensee which holds a live performing arts
3 presentation and is open to the public not more than one hundred
4 twenty (120) days per year.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
7 is created a duplication in numbering, reads as follows:

8 A. An event venue license shall authorize the holder to operate
9 a space as defined in Section 1-103 of Title 37A of the Oklahoma
10 Statutes and provide alcoholic beverage services during events
11 hosted on the licensed premises.

12 B. An event venue approved by the ABLE Commission shall have
13 designated alcohol service areas, alcohol storage areas, and alcohol
14 consumption areas within the premises of the event venue. An event
15 venue during the duration of any event hosted on the licensed
16 premises shall be required to employ, hire, or contract with
17 independent security services or personnel or a local city, town, or
18 municipal law enforcement for the enforcement of the provisions of
19 this section.

20 C. Nothing in this section shall exempt any employee or
21 personnel administering alcoholic beverages on site from the
22 training in alcohol handling, laws and regulations, or licensure
23 requirements as prescribed by the ABLE Commission.

24 D. For purposes of this section:

1 1. "Alcohol consumption area" or "alcohol consumption areas"
2 means areas within the event venue provided for the consumption of
3 alcoholic beverages by patrons and shall not include, and not be
4 limited to, an area designated for parking, adjacent property not
5 monitored by the event venue, any public street, or where patron
6 parking occurs during the duration of the event;

7 2. "Alcohol service area" means an area actively monitored by
8 the licensed caterer, or employee thereof, serving, opening,
9 pouring, or otherwise providing alcoholic beverages to patrons and
10 that provides limited access to patrons under twenty-one (21) years
11 of age; and

12 3. "Alcohol storage area" means an area limited to all patrons
13 and accessible only to the licensed caterer, or employee thereof,
14 for the purpose of storage of alcoholic beverages prior to
15 preparation or use for the service of providing alcoholic beverages
16 to patrons.

17 E. The ABLE Commission shall promulgate rules necessary for the
18 implementation of this section.

19 SECTION 7. This act shall become effective November 1, 2023.

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
21 February 27, 2023 - DO PASS AS AMENDED BY CS

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