

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1057 By: Rosino of the Senate  
3 and  
4 Echols of the House  
5  
6

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

16 AUTHOR: Add the following House coauthor: Hill

18 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
19 and insert:

21 "An Act relating to alcoholic beverages; creating the  
22 Marissa Murrow Act; providing short title; amending  
23 37A O.S. 2021, Sections 1-103, 2-101, 2-112, and 2-  
24 113, which relate to definitions, license fees and  
surcharges, caterer license, rules, and restrictions  
of caterer license; defining term; providing fee for  
certain license; expanding authorization; providing

1 exemption; prohibiting caterers and licensed  
2 bartenders from certain actions; providing  
3 authorization for event venue license; providing  
4 exemption for certain event venues; providing  
5 requirements for event venues; providing for the  
6 promulgation of administrative rules; updating  
7 statutory reference; providing for noncodification;  
8 providing for codification; and providing an  
9 effective date.

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

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

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

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

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

19 1. "ABLE Commission" or "Commission" means the Alcoholic  
20 Beverage Laws Enforcement Commission;

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

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

5           4. "Applicant" means any individual, legal or commercial  
6 business entity, or any individual involved in any legal or  
7 commercial business entity allowed to hold any license issued in  
8 accordance with the Oklahoma Alcoholic Beverage Control Act;

9           5. "Beer" means any beverage of alcohol by volume and obtained  
10 by the alcoholic fermentation of an infusion or decoction of barley,  
11 or other grain, malt or similar products. ~~"Beer"~~ Beer may or may  
12 not contain hops or other vegetable products. ~~"Beer"~~ Beer includes,  
13 among other things, beer, ale, stout, lager beer, porter and other  
14 malt or brewed liquors, but does not include sake, known as Japanese  
15 rice wine;

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

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

24

1 8. "Bottle club" means any establishment in a county which has  
2 not authorized the retail sale of alcoholic beverages by the  
3 individual drink, which is required to be licensed to keep, mix and  
4 serve alcoholic beverages belonging to club members on club  
5 premises;

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

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

13 11. "Brand extension" means:

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

17 (1) incorporates all or a substantial part of the  
18 unique features of a preexisting brand of the  
19 same licensed brewer, or

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

22 b. any brand of beer that a brewer, the majority of whose  
23 total volume of all brands of beer distributed in this  
24 state by such brewer on January 1, 2016, was

1 distributed as low-point beer, desires to sell,  
2 introduces, begins selling or theretofore has sold and  
3 desires to continue selling a strong beer in this  
4 state which either:

- 5 (1) incorporates or incorporated all or a substantial  
6 part of the unique features of a preexisting low-  
7 point beer brand of the same licensed brewer, or  
8 (2) relies or relied to a significant extent on the  
9 goodwill associated with a preexisting low-point  
10 beer brand;

11 12. "Brewer" means and includes any person who manufactures for  
12 human consumption by the use of raw materials or other ingredients  
13 any beer or cider upon which a license fee and a tax are imposed by  
14 any law of this state;

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

19 14. "Cider" means any alcoholic beverage obtained by the  
20 alcoholic fermentation of fruit juice, including but not limited to  
21 flavored, sparkling or carbonated cider. For the purposes of the  
22 manufacture of this product, cider may be manufactured by either  
23 manufacturers or brewers. For the purposes of the distribution of  
24

1 this product, cider may be distributed by either wine and spirits  
2 wholesalers or beer distributors;

3 15. "Club suite" means a designated area within the premises of  
4 a mixed beverage licensee designed to provide an exclusive space  
5 which is limited to a patron or patrons specifically granted access  
6 by a mixed beverage licensee and is not accessible to other patrons  
7 of the mixed beverage licensee or the public. A club suite must  
8 have a clearly designated point of access for a patron or patrons  
9 specifically granted access by the mixed beverage licensee to ensure  
10 that persons present in the suite are limited to patrons  
11 specifically granted access by the mixed beverage licensee and  
12 employees providing services to the club suite;

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

17 17. "Convicted" and "conviction" mean and include a finding of  
18 guilt resulting from a plea of guilty or nolo contendere, the  
19 decision of a court or magistrate or the verdict of a jury,  
20 irrespective of the pronouncement of judgment or the suspension  
21 thereof;

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

1 19. "Designated wholesaler" means a wine and spirits wholesaler  
2 who has been selected by a manufacturer as a wholesaler appointed to  
3 distribute designated products;

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

5 21. "Distiller" means any person who produces spirits from any  
6 source or substance, or any person who brews or makes mash, wort or  
7 wash, fit for distillation or for the production of spirits (except  
8 a person making or using such material in the authorized production  
9 of wine or beer, or the production of vinegar by fermentation), or  
10 any person who by any process separates alcoholic spirits from any  
11 fermented substance, or any person who, making or keeping mash, wort  
12 or wash, has also in his or her possession or use a still;

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

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

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

21 a. as a low-point beer pursuant to the Low-Point Beer  
22 Distribution Act in effect immediately prior to  
23 October 1, 2018, and  
24

1           b.    as strong beer pursuant to the Oklahoma Alcoholic  
2                    Beverage Control Act in effect immediately prior to  
3                    October 1, 2018,  
4 and continues to be sold and distributed as such on October 1, 2018.  
5 Dual-strength beer does not include a brand of beer that arose as a  
6 result of a brand extension as defined in this section;

7           25.   "Event venue" means any nongovernmental location, property,  
8 space, premises, grounds, building or buildings, or other site that  
9 offers to the general public for rent, lease, reservation, or other  
10 contractual use, for the hosting of a function, occasion, or event,  
11 special, private, or public, of a temporary nature. The location,  
12 property, space, premises, grounds, or building or buildings defined  
13 in this paragraph shall not include organizations exempt from  
14 taxation pursuant to the provisions of the Internal Revenue Code, 26  
15 U.S.C., Section 501(c)(3);

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

22           ~~26.~~ 27.   "Good cause" means:  
23  
24



1 a. failure by the distributor to comply with the material  
2 and reasonable provisions of a written agreement or  
3 understanding with the brewer, or

4 b. failure by the distributor to comply with the duty of  
5 good faith;

6 ~~27.~~ 28. "Good faith" means the duty of each party to any  
7 distributor agreement and all officers, employees or agents thereof  
8 to act with honesty in fact and within reasonable standards of fair  
9 dealing in the trade;

10 ~~28.~~ 29. "Grocery store" means a person primarily engaged in  
11 retailing a general line of food, such as canned or frozen foods,  
12 fresh fruits and vegetables, and fresh and prepared meats, fish and  
13 poultry;

14 ~~29.~~ 30. "Hotel" or "motel" means an establishment which is  
15 licensed to sell alcoholic beverages by the individual drink and  
16 which contains guestroom accommodations with respect to which the  
17 predominant relationship existing between the occupants thereof and  
18 the owner or operator of the establishment is that of innkeeper and  
19 guest. For purposes of this section, the existence of other legal  
20 relationships as between some occupants and the owner or operator  
21 thereof shall be immaterial;

22 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the  
23 requisites of a newspaper for publication of legal notices as  
24

1 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma  
2 Statutes;

3 ~~31.~~ 32. "Licensee" means any person holding a license under the  
4 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or  
5 employee of such licensee while in the performance of any act or  
6 duty in connection with the licensed business or on the licensed  
7 premises;

8 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing  
9 more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
10 not more than three and two-tenths percent (3.2%) alcohol by weight,  
11 including, but not limited to, beer or cereal malt beverages  
12 obtained by the alcoholic fermentation of an infusion by barley or  
13 other grain, malt or similar products;

14 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier  
15 or bottler of any alcoholic beverage (other than beer) and its  
16 subsidiaries, affiliates and parent companies;

17 ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned  
18 salesperson who is the agent authorized to act on behalf of the  
19 manufacturer or nonresident seller in the state;

20 ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner  
21 and at least part of which is cooked on the licensed premises and  
22 requires the use of dining implements for consumption. Provided,  
23 that the service of only food such as appetizers, sandwiches, salads  
24 or desserts shall not be considered ~~"meals"~~ meals;

1       ~~36.~~ 37. "Mini-bar" means a closed container, either  
2 refrigerated in whole or in part, or nonrefrigerated, and access to  
3 the interior of which is:

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

7       ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever  
8 name designated, consisting of an alcoholic beverage and fruit or  
9 vegetable juice, fruit or vegetable flavorings, dairy products or  
10 carbonated water containing more than one-half of one percent (1/2  
11 of 1%) of alcohol measured by volume but not more than seven percent  
12 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is  
13 packaged in a container not larger than three hundred seventy-five  
14 (375) milliliters. Such term shall include but not be limited to  
15 the beverage popularly known as a "wine cooler";

16       ~~38.~~ 39. "Mixed beverages" means one or more servings of a  
17 beverage composed in whole or part of an alcoholic beverage in a  
18 sealed or unsealed container of any legal size for consumption on  
19 the premises where served or sold by the holder of a mixed beverage,  
20 beer and wine, caterer, public event, charitable event or special  
21 event license;

22       ~~39.~~ 40. "Motion picture theater" means an establishment which  
23 is licensed by Section 2-110 of this title to sell alcoholic  
24

1 beverages by the individual drink and where motion pictures are  
2 exhibited, and to which the general public is admitted;

3 ~~40.~~ 41. "Nondesignated products" means the brands of wine or  
4 spirits offered for sale by a manufacturer that have not been  
5 assigned to a designated wholesaler;

6 ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant  
7 to Section 2-135 of this title;

8 ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting  
9 orders from and calling upon retail alcoholic beverage stores with  
10 regard to his or her product;

11 ~~43.~~ 44. "Occupation" as used in connection with "occupation  
12 tax" means the sites occupied as the places of business of the  
13 manufacturers, brewers, wholesalers, beer distributors, retailers,  
14 mixed beverage licensees, on-premises beer and wine licensees,  
15 bottle clubs, caterers, public event and special event licensees;

16 ~~44.~~ 45. "Original package" means any container of alcoholic  
17 beverage filled and stamped or sealed by the manufacturer or brewer;

18 ~~45.~~ 46. "Package store" means any sole proprietor or  
19 partnership that qualifies to sell wine, beer and/or spirits for  
20 off-premises consumption and that is not a grocery store,  
21 convenience store or drug store, or other retail outlet that is not  
22 permitted to sell wine or beer for off-premises consumption;

23 ~~46.~~ 47. "Patron" means any person, customer or visitor who is  
24 not employed by a licensee or who is not a licensee;

1       ~~47.~~ 48. "Person" means an individual, any type of partnership,  
2 corporation, association, limited liability company or any  
3 individual involved in the legal structure of any such business  
4 entity;

5       ~~48.~~ 49. "Premises" means the grounds and all buildings and  
6 appurtenances pertaining to the grounds including any adjacent  
7 premises if under the direct or indirect control of the licensee and  
8 the rooms and equipment under the control of the licensee and used  
9 in connection with or in furtherance of the business covered by a  
10 license. ~~Provided that the~~ The ABLE Commission shall have the  
11 authority to designate areas to be excluded from the licensed  
12 premises solely for the purpose of:

- 13           a. allowing the presence and consumption of alcoholic  
14                 beverages by private parties which are closed to the  
15                 general public, or
- 16           b. allowing the services of a caterer serving alcoholic  
17                 beverages provided by a private party.

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

21       ~~49.~~ 50. "Private event" means a social gathering or event  
22 attended by invited guests who share a common cause, membership,  
23 business or task and have a prior established relationship. For  
24 purposes of this definition, advertisement for general public

1 attendance or sales of tickets to the general public shall not  
2 constitute a private event;

3 ~~50.~~ 51. "Public event" means any event that can be attended by  
4 the general public;

5 ~~51.~~ 52. "Rectifier" means any person who rectifies, purifies or  
6 refines spirits or wines by any process (other than by original and  
7 continuous distillation, or original and continuous processing, from  
8 mash, wort, wash or other substance, through continuous closed  
9 vessels and pipes, until the production thereof is complete), and  
10 any person who, without rectifying, purifying or refining spirits,  
11 shall by mixing (except for immediate consumption on the premises  
12 where mixed) such spirits, wine or other liquor with any material,  
13 manufactures any spurious, imitation or compound liquors for sale,  
14 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials  
15 or any other name;

16 ~~52.~~ 53. "Regulation" or "rule" means a formal rule of general  
17 application promulgated by the ABLE Commission as herein required;

18 ~~53.~~ 54. "Restaurant" means an establishment that is licensed to  
19 sell alcoholic beverages by the individual drink for on-premises  
20 consumption and where food is prepared and sold for immediate  
21 consumption on the premises;

22 ~~54.~~ 55. "Retail container for spirits and wines" means an  
23 original package of any capacity approved by the United States  
24 Bureau of Alcohol, Tobacco ~~and~~, Firearms and Explosives;

1       ~~55.~~ 56. "Retailer" means a package store, grocery store,  
2 convenience store or drug store licensed to sell alcoholic beverages  
3 for off-premises consumption pursuant to a ~~Retail Spirits License~~  
4 retail spirits license, ~~Retail Wine License~~ retail wine license or  
5 ~~Retail Beer License~~ retail beer license;

6       ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any  
7 manner or by any means whatsoever, and includes and means all sales  
8 made by any person, whether as principal, proprietor or as an agent,  
9 servant or employee. The term "~~sale~~" sale is also declared to be  
10 and include the use or consumption in this state of any alcoholic  
11 beverage obtained within or imported from without this state, upon  
12 which the excise tax levied by the Oklahoma Alcoholic Beverage  
13 Control Act has not been paid or exempted;

14       ~~57.~~ 58. "Short-order food" means food other than full meals  
15 including but not limited to sandwiches, soups and salads. Provided  
16 that popcorn, chips and other similar snack food shall not be  
17 considered "~~short-order food~~" short-order food;

18       ~~58.~~ 59. "Small brewer" means a brewer who manufactures less  
19 than sixty-five thousand barrels of beer annually pursuant to a  
20 validly issued ~~Small Brewer License~~ small brewer license hereunder;

21       ~~59.~~ 60. "Small farm wine" means a wine that is produced by a  
22 small farm winery with seventy-five percent (75%) or more Oklahoma-  
23 grown grapes, berries, other fruits, honey or vegetables;

1       ~~60.~~ 61. "Small farm winery" means a wine-making establishment  
2 that does not annually produce for sale more than fifteen thousand  
3 (15,000) gallons of wine as reported on the United States Department  
4 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of  
5 Wine Premises Operations (TTB Form 5120.17);

6       ~~61.~~ 62. "Sparkling wine" means champagne or any artificially  
7 carbonated wine;

8       ~~62.~~ 63. "Special event" means an entertainment, recreation or  
9 marketing event that occurs at a single location on an irregular  
10 basis and at which alcoholic beverages are sold;

11       ~~63.~~ 64. "Spirits" means any beverage other than wine or beer,  
12 which contains more than one-half of one percent (1/2 of 1%) alcohol  
13 measured by volume, and obtained by distillation, whether or not  
14 mixed with other substances in solution and includes those products  
15 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
16 fortified wines and similar compounds, but shall not include any  
17 alcohol liquid completely denatured in accordance with the Acts of  
18 Congress and regulations pursuant thereto;

19       ~~64.~~ 65. "Strong beer" means beer which, prior to October 1,  
20 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage  
21 Control Act, Section ~~501~~ 1-101 et seq. of Title ~~37~~ 37A of the  
22 Oklahoma Statutes;



1       ~~65.~~ 66. "Successor brewer" means a primary source of supply, a  
2 brewer, a cider manufacturer or an importer that acquires rights to  
3 a beer or cider brand from a predecessor brewer;

4       ~~66.~~ 67. "Tax Commission" means the Oklahoma Tax Commission;

5       ~~67.~~ 68. "Territory" means a geographic region with a specified  
6 boundary;

7       ~~68.~~ 69. "Wine and spirits wholesaler" or "wine and spirits  
8 distributor" means and includes any sole proprietorship or  
9 partnership licensed to distribute wine and spirits in the state.  
10 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage  
11 Control Act, shall be construed to refer to a wine and spirits  
12 wholesaler;

13       ~~69.~~ 70. "Wine" means and includes any beverage containing more  
14 than one-half of one percent (1/2 of 1%) alcohol by volume and not  
15 more than twenty-four percent (24%) alcohol by volume at sixty (60)  
16 degrees Fahrenheit obtained by the fermentation of the natural  
17 contents of fruits, vegetables, honey, milk or other products  
18 containing sugar, whether or not other ingredients are added, and  
19 includes vermouth and sake, known as Japanese rice wine;

20       ~~70.~~ 71. "Winemaker" means and includes any person or  
21 establishment who manufactures for human consumption any wine upon  
22 which a license fee and a tax are imposed by any law of this state;  
23 and

24

1        ~~71.~~ 72. "Satellite tasting room" means a licensed establishment  
2 operated off the licensed premises of the holder of a small farm  
3 winery or winemaker license, which serves wine for on-premises or  
4 off-premises consumption.

5        Words in the plural include the singular, and vice versa, and  
6 words imparting the masculine gender include the feminine, as well  
7 as persons and licensees as defined in this section.

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

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

- 13        1. Brewer License..... \$1,250.00
- 14        2. Small Brewer License..... \$125.00
- 15        3. Distiller License..... \$3,125.00
- 16        4. Winemaker License..... \$625.00
- 17        5. Small Farm Winery License..... \$75.00
- 18        6. Rectifier License..... \$3,125.00
- 19        7. Wine and Spirits Wholesaler License..... \$3,000.00
- 20        8. Beer Distributor License..... \$750.00
- 21        9. The following retail spirits license fees  
22            shall be determined by the latest Federal  
23            Decennial Census:

24

1	a.	Retail Spirits License for cities and	
2		towns from 200 to 2,500 population.....	\$305.00
3	b.	Retail Spirits License for cities and	
4		towns from 2,501 to 5,000 population.....	\$605.00
5	c.	Retail Spirits License for cities and	
6		towns over 5,000 population.....	\$905.00
7	10.	Retail Wine License.....	\$1,000.00
8	11.	Retail Beer License.....	\$500.00
9	12.	Mixed Beverage License.....	\$1,005.00
10			(initial license)
11			\$905.00
12			(renewal)
13	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14	14.	On-Premises Beer and Wine License.....	\$500.00
15			(initial license)
16			\$450.00
17			(renewal)
18	15.	Bottle Club License.....	\$1,000.00
19			(initial license)
20			\$900.00
21			(renewal)
22	16.	Caterer License.....	\$1,005.00
23			(initial license)
24			\$905.00

1		(renewal)	
2	17.	Annual Special Event License.....	\$55.00
3	18.	Quarterly Special Event License.....	\$55.00
4	19.	Hotel Beverage License.....	\$1,005.00
5		(initial license)	
6			\$905.00
7		(renewal)	
8	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
9		License.....	\$1,005.00
10		(initial license)	
11			\$905.00
12		(renewal)	
13	21.	Agent License.....	\$55.00
14	22.	Employee License.....	\$30.00
15	23.	Industrial License.....	\$23.00
16	24.	Carrier License.....	\$23.00
17	25.	Private Carrier License.....	\$23.00
18	26.	Bonded Warehouse License.....	\$190.00
19	27.	Storage License.....	\$23.00
20	28.	Nonresident Seller License .....	\$750.00
21	29.	Manufacturer License:	
22		a. 50 cases or less sold in Oklahoma in	
23		last calendar year.....	\$50.00
24			

- 1           b.    51 to 500 cases sold in Oklahoma in
- 2                    last calendar year..... \$75.00
- 3           c.    501 cases or more sold in Oklahoma in
- 4                    last calendar year..... \$150.00
- 5    30.   Manufacturer's Agent License..... \$55.00
- 6    31.   Sacramental Wine Supplier License..... \$100.00
- 7    32.   Charitable Auction License..... \$1.00
- 8    33.   Charitable Alcoholic Beverage License..... \$55.00
- 9    34.   Winemaker Self-Distribution License..... \$750.00
- 10   35.   Annual Public Event License..... \$1,005.00
- 11   36.   One-Time Public Event License..... \$255.00
- 12   37.   Small Brewer Self-Distribution License..... \$750.00
- 13   38.   Brewpub License..... \$1,005.00
- 14   39.   Brewpub Self-Distribution License..... \$750.00
- 15   40.   Complimentary Beverage License..... \$75.00
- 16   41.   Satellite Tasting Room License..... \$100.00
- 17   42.   Event Venue License..... \$500.00

18       B.   1.   There shall be added to the initial or renewal fees for  
19 a ~~Mixed Beverage License~~ mixed beverage license an administrative  
20 fee, which shall not be deemed to be a license fee, in the amount of  
21 Five Hundred Dollars (\$500.00), which shall be paid at the same time  
22 and in the same manner as the license fees prescribed by paragraph  
23 12 of subsection A of this section; provided, this fee shall not be  
24 assessed against service organizations or fraternal beneficiary

1 societies which are exempt under Section 501(c)(19), (8) or (10) of  
2 the Internal Revenue Code.

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

9 C. Notwithstanding the provisions of subsection A of this  
10 section:

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

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

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

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

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

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

- 15 1. Nonresident Seller License..... \$2,500.00
- 16 2. Manufacturer License:
  - 17 a. 50 cases or less sold in Oklahoma in
  - 18 last calendar year..... \$100.00
  - 19 b. 51 to 500 cases sold in Oklahoma in
  - 20 last calendar year..... \$225.00
  - 21 c. 501 cases or more sold in Oklahoma in
  - 22 last calendar year..... \$450.00
- 23 3. Wine and Spirits Wholesaler License..... \$2,500.00
- 24 4. Beer Distributor..... \$1,000.00

- 1       5. Retail Spirits License for cities and towns
- 2             over 5,000 population..... \$250.00
- 3       6. Retail Spirits License for cities and towns
- 4             from 2,501 to 5,000 population..... \$200.00
- 5       7. Retail Spirits License for cities and towns
- 6             from 200 to 2,500 population..... \$150.00
- 7       8. Retail Wine License..... \$250.00
- 8       9. Retail Beer License..... \$250.00
- 9       10. Mixed Beverage License..... \$25.00
- 10       11. Mixed Beverage/Caterer Combination License..... \$25.00
- 11       12. Caterer License..... \$25.00
- 12       13. On-Premises Beer and Wine License..... \$25.00
- 13       14. Annual Public Event License..... \$25.00
- 14       15. Small Farm Winery License..... \$25.00
- 15       16. Small Brewer License..... \$35.00
- 16       17. Complimentary Beverage License..... \$25.00

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

22       H. Any license issued by the ABLE Commission under this title  
23       may be relied upon by other licensees as a valid license, and no  
24       other licensee shall have any obligation to independently determine



1 the validity of such license or be held liable solely as a  
2 consequence of another licensee's failure to maintain a valid  
3 license.

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

6 Section 2-112. A caterer license shall authorize the holder  
7 thereof to sell mixed beverages for on-premises consumption  
8 incidental to the sale or distribution of food at particular  
9 functions, occasions or events which are temporary in nature or at  
10 event venues. A caterer license shall not be issued in lieu of a  
11 mixed beverage license. A caterer license shall only be issued in  
12 counties of this state where the sale of alcoholic beverages by the  
13 individual drink for on-premises consumption has been authorized. A  
14 separate license shall be required for each place of business.

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

17 Section 2-113. A. 1. A caterer license may be issued to any  
18 person for the purpose of sale, delivery, or distribution of  
19 alcoholic beverages incidental to the sale or distribution of food  
20 on a premises not licensed by the ABLE Commission or on the premises  
21 of the holder of an event venue license. For purposes of this  
22 section, "incidental to the sale or distribution of food" means food  
23 sales constituting at least thirty-five percent (35%) of the  
24 caterer's total combined annual sales. A caterer license shall not

1 be issued to a person whose main purpose is the sale of alcoholic  
2 beverages.

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

11 3. Each caterer shall submit an annual sales report containing  
12 revenue attributable to alcoholic beverages, food, and all other  
13 revenues attributable to the catering service. The annual sales  
14 report must be submitted thirty (30) days prior to expiration of the  
15 caterer license on forms prescribed by the ABLE Commission. The  
16 caterer license may not be renewed if the caterer fails to provide  
17 complete or sufficient financial data.

18 4. Each caterer shall submit a monthly event report containing  
19 information on all events scheduled for the subsequent month. If an  
20 event is scheduled after the first day of the month for an event to  
21 occur in the same month, then the caterer shall report that event  
22 within twenty-four (24) hours of scheduling the event or within  
23 twenty-four (24) hours prior to the event, whichever occurs first.

24

1 The monthly event report shall be submitted on the first day of each  
2 month.

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

9 6. Any caterer who fails to submit a monthly report shall have  
10 the caterer license automatically suspended until such time that the  
11 caterer has fully complied with all reporting requirements. Any  
12 caterer whose annual food sales do not exceed thirty-five percent  
13 (35%) of his or her total annual combined sales shall not have the  
14 caterer's license renewed.

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

17 C. The restrictions and rules which apply to the sale of mixed  
18 beverages on the premises of a mixed beverage licensee also apply to  
19 the sale under the authority of a caterer license. Any act which if  
20 done on the premises of a mixed beverage licensee would be a ground  
21 for revocation or suspension of the mixed beverage license is a  
22 ground for revocation or suspension of a caterer license.

23 D. If the premises where the event being catered is held are  
24 already operating pursuant to another type of license issued by the

1 ABLE Commission, the caterer and the other licensee shall both be  
2 responsible for the actions of the caterer and shall both be subject  
3 to penalties for violations by the caterer of the Oklahoma Alcoholic  
4 Beverage Control Act and any rules promulgated thereto. This  
5 subsection, subsection D, shall not apply to a holder of an "event  
6 venue" license.

7 E. A caterer licensee may not store alcoholic beverages unless  
8 the licensee has a storage license issued by the ABLE Commission. A  
9 caterer licensee selling beer and cider to consumers shall only  
10 purchase such beer and cider from the distributor or wholesaler  
11 within the county in which the licensee will be selling the beer and  
12 cider to consumers.

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

16 1. The caterer shall take reasonable steps to ensure that the  
17 mixed beverage applicant uses only licensed employees to perform  
18 licensable activities while using the caterer's license. The  
19 caterer shall use his or her best efforts to attempt to have a  
20 licensed employee on-site supervising the sale of such caterer's  
21 alcoholic beverages at all times, but the caterer shall not be  
22 disciplined for failing to have a licensed employee on-site. The  
23 caterer expressly acknowledges that he or she is liable for all  
24 violations of the Oklahoma Alcoholic Beverage Control Act and rules

1 of the ABLE Commission that are committed by the mixed beverage  
2 applicant and its employees during this period;

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

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

11 G. A caterer or a licensed bartender shall not sell or  
12 distribute alcoholic beverages on the premises of an event venue as  
13 defined in Section 1-103 of this title unless the event venue holds  
14 an event venue license pursuant to Section 6 of this act or is not  
15 required to hold an event venue license under the act.

16 A caterer may provide alcoholic beverage services for temporary  
17 public events which have been licensed and approved by the ABLE  
18 Commission.

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

23  
24

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

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

8           B. An event venue, as defined in Section 1-103 of Title 37A of  
9 the Oklahoma Statutes, (i) which does not permit alcoholic beverages  
10 on its premises, (ii) which already holds a mixed beverage license,  
11 on-premises beer and wine license, small brewer license, brewpub  
12 license, winemaker license, small farm winery license, (iii) which  
13 is the site of an event for the holder of a public event, special  
14 event, charitable event license, or (iv) has a contract with a  
15 caterer or caterers that are already holders of a mixed  
16 beverage/caterer combination license, shall not be required to  
17 obtain an event venue license and shall not be subject to this  
18 section.

19           C. Event venues shall:

20           1. Allow patrons or guests who become intoxicated or otherwise  
21 impaired, to leave their vehicle for a reasonable amount of time,  
22 including overnight, if necessary. This shall only be required if  
23 an event venue premises include a parking lot. Event venues may  
24

1 implement parking policies to accommodate the specific needs of  
2 their venue;

3 2. Provide security for events where alcohol will be available  
4 for service and consumption by event patrons at event venue licensee  
5 premises with more than one hundred (100) patrons in attendance and  
6 the dedicated security personnel shall be present on the event venue  
7 licensee premises during all alcohol service times.

8 Any security personnel required under this section shall be a  
9 commissioned law enforcement officer or former officer from a local  
10 city, town, or municipal law enforcement agency or other CLEET-  
11 certified personnel. Security shall enforce the provisions of this  
12 section and all ABLE Commission rules that apply to this license.  
13 Security services may be contracted or retained by the event venue  
14 or by the client/renter of the venue directly. Security personnel  
15 need not be present during any time period when alcohol is not being  
16 served to event patrons. Event venues may implement additional  
17 rules for security, but such rules shall not be less restrictive  
18 than this security section;

19 3. When serving alcoholic beverages:

20 a. be served by an insured, ABLE-licensed bartender or  
21 caterer, who meets the minimum standards of training  
22 as required by the Oklahoma Administrative Code  
23 Section 45:15-3-2 for events with more than fifty (50)  
24 patrons,

- 1           b.    a bartender or caterer shall check the identification  
2                   of every person who is served an alcoholic beverage  
3                   during an event to ensure the person being served is  
4                   at least twenty-one (21) years of age,
- 5           c.    any alcohol that is unopened, unmixed, or otherwise  
6                   not served during an event, must be secured in the  
7                   Alcohol Storage Area, until it can be transported off  
8                   the event premises by the event bartender, caterer, or  
9                   other ABLE-licensed person, or transferred to a  
10                  contact person designated by the clients or renters.  
11                  This storage and transfer requirement is subject to  
12                  the needs and circumstances of each event venue as set  
13                  forth in paragraph 2 of this subsection,
- 14          d.    allowance may be made by a licensed event venue for  
15                  limited alcohol consumption by a wedding party and  
16                  family, for toasts or other similar activities that  
17                  occur prior to the time the bartender or caterer is  
18                  present on the premises. Any person who consumes  
19                  alcohol under this provision must remain on the venue  
20                  premises and not operate a motor vehicle for a  
21                  reasonable length of time sufficient to ensure the  
22                  person is not intoxicated,
- 23          e.    only two (2) alcoholic beverages may be served to an  
24                  individual at one time,



1 f. shall not permit or allow any event patron to exit the  
2 licensed premises with an open container of any  
3 alcoholic beverage,

4 g. may create, require, and enforce additional rules  
5 pertaining to the presence, service, and consumption  
6 of alcohol for events, but such rules shall not be  
7 less restrictive than these provisions.

8 Events with fifty (50) or fewer patrons are exempt from  
9 subparagraphs a through g of this paragraph;

10 4. Display all licenses issued by the ABLE Commission in a  
11 conspicuous place at all times on the licensed premises.

12 D. An event venue shall not be liable for the action or  
13 inaction of an ABLE-licensed bartender or security personnel as  
14 described in this section; so long as the event venue is in  
15 compliance with the requirements of this section.

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

18 SECTION 7. This act shall become effective November 1, 2024."  
19  
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1 Passed the House of Representatives the 27th day of April, 2023.

2  
3  
4 Presiding Officer of the House of  
Representatives  
5

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 1057

By: Rosino of the Senate

and

Echols of the House

3  
4  
5  
6 An Act relating to alcoholic beverages; creating the  
7 Marissa Murrow Act; providing short title; amending  
8 37A O.S. 2021, Sections 1-103, 2-101, 2-112, and 2-  
9 113, which relate to definitions, license fees and  
10 surcharges, caterer license, rules, and restrictions  
11 of caterer license; prohibiting caterers from certain  
12 actions; defining term, providing fee and surcharge  
13 for certain license; expanding authorization;  
14 prohibiting caterers from certain actions; providing  
15 necessary criteria for event venues; defining terms;  
16 requiring certain enforcement; providing for the  
17 promulgation of rules; updating statutory reference;  
18 providing for noncodification; providing for  
19 codification; and providing an effective date.

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

21 SECTION 8. NEW LAW A new section of law not to be  
22 codified in the Oklahoma Statutes reads as follows:

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

SECTION 9. AMENDATORY 37A O.S. 2021, Section 1-103, is  
amended to read as follows:

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

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

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

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

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

17 5. "Beer" means any beverage of alcohol by volume and obtained  
18 by the alcoholic fermentation of an infusion or decoction of barley,  
19 or other grain, malt or similar products. ~~"Beer"~~ Beer may or may  
20 not contain hops or other vegetable products. ~~"Beer"~~ Beer includes,  
21 among other things, beer, ale, stout, lager beer, porter and other  
22 malt or brewed liquors, but does not include sake, known as Japanese  
23 rice wine;

24

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

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

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

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

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

21       11. "Brand extension" means:

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

1 (1) incorporates all or a substantial part of the  
2 unique features of a preexisting brand of the  
3 same licensed brewer, or

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

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

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

16 (2) relies or relied to a significant extent on the  
17 goodwill associated with a preexisting low-point  
18 beer brand;

19 12. "Brewer" means and includes any person who manufactures for  
20 human consumption by the use of raw materials or other ingredients  
21 any beer or cider upon which a license fee and a tax are imposed by  
22 any law of this state;

23 13. "Brewpub" means a licensed establishment operated on the  
24 premises of, or on premises located contiguous to, a small brewer,

1 that prepares and serves food and beverages, including alcoholic  
2 beverages, for on-premises consumption;

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

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

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

24

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

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

9        19. "Designated wholesaler" means a wine and spirits wholesaler  
10 who has been selected by a manufacturer as a wholesaler appointed to  
11 distribute designated products;

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

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

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

24



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

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

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

9 b. as strong beer pursuant to the Oklahoma Alcoholic  
10 Beverage Control Act in effect immediately prior to  
11 October 1, 2018,

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

15 25. "Event venue" means a location, property, space, premises,  
16 grounds, building or buildings, or other site that offers to the  
17 general public for rent, lease, reservation, or other contractual  
18 use, for the hosting of a function, occasion, or event, special,  
19 private, or public, of a temporary nature as a primary source of  
20 income. The location, property, space, premises, grounds, or  
21 building or buildings defined in this paragraph shall not include  
22 locations where the primary purpose is a permanent personal  
23 residence including, but not limited to, a residential home, duplex,  
24 condo, apartment building, or other place of residence or

1 organizations exempt from taxation pursuant to the provisions of the  
2 Internal Revenue Code, 26 U.S.C., Section 501(c) (3);

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

9 ~~26.~~ 27. "Good cause" means:

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

15 ~~27.~~ 28. "Good faith" means the duty of each party to any  
16 distributor agreement and all officers, employees or agents thereof  
17 to act with honesty in fact and within reasonable standards of fair  
18 dealing in the trade;

19 ~~28.~~ 29. "Grocery store" means a person primarily engaged in  
20 retailing a general line of food, such as canned or frozen foods,  
21 fresh fruits and vegetables, and fresh and prepared meats, fish and  
22 poultry;

23 ~~29.~~ 30. "Hotel" or "motel" means an establishment which is  
24 licensed to sell alcoholic beverages by the individual drink and

1 which contains guestroom accommodations with respect to which the  
2 predominant relationship existing between the occupants thereof and  
3 the owner or operator of the establishment is that of innkeeper and  
4 guest. For purposes of this section, the existence of other legal  
5 relationships as between some occupants and the owner or operator  
6 thereof shall be immaterial;

7 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the  
8 requisites of a newspaper for publication of legal notices as  
9 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma  
10 Statutes;

11 ~~31.~~ 32. "Licensee" means any person holding a license under the  
12 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or  
13 employee of such licensee while in the performance of any act or  
14 duty in connection with the licensed business or on the licensed  
15 premises;

16 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing  
17 more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
18 not more than three and two-tenths percent (3.2%) alcohol by weight,  
19 including but not limited to, beer or cereal malt beverages obtained  
20 by the alcoholic fermentation of an infusion by barley or other  
21 grain, malt or similar products;

22 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier  
23 or bottler of any alcoholic beverage (other than beer) and its  
24 subsidiaries, affiliates and parent companies;

1       ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned  
2 salesperson who is the agent authorized to act on behalf of the  
3 manufacturer or nonresident seller in the state;

4       ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner  
5 and at least part of which is cooked on the licensed premises and  
6 requires the use of dining implements for consumption. Provided,  
7 that the service of only food such as appetizers, sandwiches, salads  
8 or desserts shall not be considered ~~"meals"~~ meals;

9       ~~36.~~ 37. "Mini-bar" means a closed container, either  
10 refrigerated in whole or in part, or nonrefrigerated, and access to  
11 the interior of which is:

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

15       ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever  
16 name designated, consisting of an alcoholic beverage and fruit or  
17 vegetable juice, fruit or vegetable flavorings, dairy products or  
18 carbonated water containing more than one-half of one percent (1/2  
19 of 1%) of alcohol measured by volume but not more than seven percent  
20 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is  
21 packaged in a container not larger than three hundred seventy-five  
22 (375) milliliters. Such term shall include but not be limited to  
23 the beverage popularly known as a "wine cooler";

1       ~~38.~~ 39. "Mixed beverages" means one or more servings of a  
2 beverage composed in whole or part of an alcoholic beverage in a  
3 sealed or unsealed container of any legal size for consumption on  
4 the premises where served or sold by the holder of a mixed beverage,  
5 beer and wine, caterer, public event, charitable event or special  
6 event license;

7       ~~39.~~ 40. "Motion picture theater" means an establishment which  
8 is licensed by Section 2-110 of this title to sell alcoholic  
9 beverages by the individual drink and where motion pictures are  
10 exhibited, and to which the general public is admitted;

11       ~~40.~~ 41. "Nondesignated products" means the brands of wine or  
12 spirits offered for sale by a manufacturer that have not been  
13 assigned to a designated wholesaler;

14       ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant  
15 to Section 2-135 of this title;

16       ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting  
17 orders from and calling upon retail alcoholic beverage stores with  
18 regard to his or her product;

19       ~~43.~~ 44. "Occupation" as used in connection with "occupation  
20 tax" means the sites occupied as the places of business of the  
21 manufacturers, brewers, wholesalers, beer distributors, retailers,  
22 mixed beverage licensees, on-premises beer and wine licensees,  
23 bottle clubs, caterers, public event and special event licensees;

24

1       ~~44.~~ 45. "Original package" means any container of alcoholic  
2 beverage filled and stamped or sealed by the manufacturer or brewer;

3       ~~45.~~ 46. "Package store" means any sole proprietor or  
4 partnership that qualifies to sell wine, beer and/or spirits for  
5 off-premises consumption and that is not a grocery store,  
6 convenience store or drug store, or other retail outlet that is not  
7 permitted to sell wine or beer for off-premises consumption;

8       ~~46.~~ 47. "Patron" means any person, customer or visitor who is  
9 not employed by a licensee or who is not a licensee;

10       ~~47.~~ 48. "Person" means an individual, any type of partnership,  
11 corporation, association, limited liability company or any  
12 individual involved in the legal structure of any such business  
13 entity;

14       ~~48.~~ 49. "Premises" means the grounds and all buildings and  
15 appurtenances pertaining to the grounds including any adjacent  
16 premises if under the direct or indirect control of the licensee and  
17 the rooms and equipment under the control of the licensee and used  
18 in connection with or in furtherance of the business covered by a  
19 license. ~~Provided that the~~ The ABLE Commission shall have the  
20 authority to designate areas to be excluded from the licensed  
21 premises solely for the purpose of:

- 22           a. allowing the presence and consumption of alcoholic  
23           beverages by private parties which are closed to the  
24           general public, or

1           b.     allowing the services of a caterer serving alcoholic  
2                    beverages provided by a private party.

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

6       ~~49.~~ 50. "Private event" means a social gathering or event  
7 attended by invited guests who share a common cause, membership,  
8 business or task and have a prior established relationship. For  
9 purposes of this definition, advertisement for general public  
10 attendance or sales of tickets to the general public shall not  
11 constitute a private event;

12       ~~50.~~ 51. "Public event" means any event that can be attended by  
13 the general public;

14       ~~51.~~ 52. "Rectifier" means any person who rectifies, purifies or  
15 refines spirits or wines by any process (other than by original and  
16 continuous distillation, or original and continuous processing, from  
17 mash, wort, wash or other substance, through continuous closed  
18 vessels and pipes, until the production thereof is complete), and  
19 any person who, without rectifying, purifying or refining spirits,  
20 shall by mixing (except for immediate consumption on the premises  
21 where mixed) such spirits, wine or other liquor with any material,  
22 manufactures any spurious, imitation or compound liquors for sale,  
23 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials  
24 or any other name;

1       ~~52.~~ 53. "Regulation" or "rule" means a formal rule of general  
2 application promulgated by the ABLE Commission as herein required;

3       ~~53.~~ 54. "Restaurant" means an establishment that is licensed to  
4 sell alcoholic beverages by the individual drink for on-premises  
5 consumption and where food is prepared and sold for immediate  
6 consumption on the premises;

7       ~~54.~~ 55. "Retail container for spirits and wines" means an  
8 original package of any capacity approved by the United States  
9 Bureau of Alcohol, Tobacco ~~and~~, Firearms and Explosives;

10       ~~55.~~ 56. "Retailer" means a package store, grocery store,  
11 convenience store or drug store licensed to sell alcoholic beverages  
12 for off-premises consumption pursuant to a ~~Retail Spirits License~~  
13 retail spirits license, ~~Retail Wine License~~ retail wine license or  
14 ~~Retail Beer License~~ retail beer license;

15       ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any  
16 manner or by any means whatsoever, and includes and means all sales  
17 made by any person, whether as principal, proprietor or as an agent,  
18 servant or employee. The term ~~"sale"~~ sale is also declared to be  
19 and include the use or consumption in this state of any alcoholic  
20 beverage obtained within or imported from without this state, upon  
21 which the excise tax levied by the Oklahoma Alcoholic Beverage  
22 Control Act has not been paid or exempted;

23       ~~57.~~ 58. "Short-order food" means food other than full meals  
24 including but not limited to sandwiches, soups and salads. Provided



1 that popcorn, chips and other similar snack food shall not be  
2 considered ~~"short-order food"~~ short-order food;

3 ~~58.~~ 59. "Small brewer" means a brewer who manufactures less  
4 than sixty-five thousand barrels of beer annually pursuant to a  
5 validly issued ~~Small Brewer License~~ small brewer license hereunder;

6 ~~59.~~ 60. "Small farm wine" means a wine that is produced by a  
7 small farm winery with seventy-five percent (75%) or more Oklahoma-  
8 grown grapes, berries, other fruits, honey or vegetables;

9 ~~60.~~ 61. "Small farm winery" means a wine-making establishment  
10 that does not annually produce for sale more than fifteen thousand  
11 (15,000) gallons of wine as reported on the United States Department  
12 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of  
13 Wine Premises Operations (TTB Form 5120.17);

14 ~~61.~~ 62. "Sparkling wine" means champagne or any artificially  
15 carbonated wine;

16 ~~62.~~ 63. "Special event" means an entertainment, recreation or  
17 marketing event that occurs at a single location on an irregular  
18 basis and at which alcoholic beverages are sold;

19 ~~63.~~ 64. "Spirits" means any beverage other than wine or beer,  
20 which contains more than one-half of one percent (1/2 of 1%) alcohol  
21 measured by volume, and obtained by distillation, whether or not  
22 mixed with other substances in solution and includes those products  
23 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
24 fortified wines and similar compounds, but shall not include any

1 alcohol liquid completely denatured in accordance with the Acts of  
2 Congress and regulations pursuant thereto;

3 ~~64.~~ 65. "Strong beer" means beer which, prior to October 1,  
4 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage  
5 Control Act, Section ~~501~~ 1-101 et seq. of Title ~~37~~ 37A of the  
6 Oklahoma Statutes;

7 ~~65.~~ 66. "Successor brewer" means a primary source of supply, a  
8 brewer, a cider manufacturer or an importer that acquires rights to  
9 a beer or cider brand from a predecessor brewer;

10 ~~66.~~ 67. "Tax Commission" means the Oklahoma Tax Commission;

11 ~~67.~~ 68. "Territory" means a geographic region with a specified  
12 boundary;

13 ~~68.~~ 69. "Wine and spirits wholesaler" or "wine and spirits  
14 distributor" means and includes any sole proprietorship or  
15 partnership licensed to distribute wine and spirits in the state.  
16 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage  
17 Control Act, shall be construed to refer to a wine and spirits  
18 wholesaler;

19 ~~69.~~ 70. "Wine" means and includes any beverage containing more  
20 than one-half of one percent (1/2 of 1%) alcohol by volume and not  
21 more than twenty-four percent (24%) alcohol by volume at sixty (60)  
22 degrees Fahrenheit obtained by the fermentation of the natural  
23 contents of fruits, vegetables, honey, milk or other products  
24

1 containing sugar, whether or not other ingredients are added, and  
2 includes vermouth and sake, known as Japanese rice wine;

3 ~~70.~~ 71. "Winemaker" means and includes any person or  
4 establishment who manufactures for human consumption any wine upon  
5 which a license fee and a tax are imposed by any law of this state;  
6 and

7 ~~71.~~ 72. "Satellite tasting room" means a licensed establishment  
8 operated off the licensed premises of the holder of a small farm  
9 winery or winemaker license, which serves wine for on-premises or  
10 off-premises consumption.

11 Words in the plural include the singular, and vice versa, and  
12 words imparting the masculine gender include the feminine, as well  
13 as persons and licensees as defined in this section.

14 SECTION 10. AMENDATORY 37A O.S. 2021, Section 2-101, is  
15 amended to read as follows:

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

- 19 1. Brewer License..... \$1,250.00
- 20 2. Small Brewer License..... \$125.00
- 21 3. Distiller License..... \$3,125.00
- 22 4. Winemaker License..... \$625.00
- 23 5. Small Farm Winery License..... \$75.00
- 24 6. Rectifier License..... \$3,125.00

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

1		\$900.00
2		(renewal)
3	16. Caterer License.....	\$1,005.00
4		(initial license)
5		\$905.00
6		(renewal)
7	17. Annual Special Event License.....	\$55.00
8	18. Quarterly Special Event License.....	\$55.00
9	19. Hotel Beverage License.....	\$1,005.00
10		(initial license)
11		\$905.00
12		(renewal)
13	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
14	License.....	\$1,005.00
15		(initial license)
16		\$905.00
17		(renewal)
18	21. Agent License.....	\$55.00
19	22. Employee License.....	\$30.00
20	23. Industrial License.....	\$23.00
21	24. Carrier License.....	\$23.00
22	25. Private Carrier License.....	\$23.00
23	26. Bonded Warehouse License.....	\$190.00
24	27. Storage License.....	\$23.00

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

22 B. 1. There shall be added to the initial or renewal fees for  
23 a ~~Mixed Beverage License~~ mixed beverage license an administrative  
24 fee, which shall not be deemed to be a license fee, in the amount of

1 Five Hundred Dollars (\$500.00), which shall be paid at the same time  
2 and in the same manner as the license fees prescribed by paragraph  
3 12 of subsection A of this section; provided, this fee shall not be  
4 assessed against service organizations or fraternal beneficiary  
5 societies which are exempt under Section 501(c)(19), (8) or (10) of  
6 the Internal Revenue Code.

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

13 C. Notwithstanding the provisions of subsection A of this  
14 section:

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

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

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

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

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

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

- 19 1. Nonresident Seller License..... \$2,500.00
- 20 2. Manufacturer License:
  - 21 a. 50 cases or less sold in Oklahoma in
  - 22 last calendar year..... \$100.00
  - 23 b. 51 to 500 cases sold in Oklahoma in
  - 24 last calendar year..... \$225.00



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

22 The surcharge shall be paid concurrent with the licensee's  
23 annual licensing fee and, in addition to Five Dollars (\$5.00) of the  
24 employee license fee, shall be deposited in the Alcoholic Beverage

1 Governance Revolving Fund established pursuant to Section 5-128 of  
2 this title.

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

9 SECTION 11. AMENDATORY 37A O.S. 2021, Section 2-112, is  
10 amended to read as follows:

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

20 SECTION 12. AMENDATORY 37A O.S. 2021, Section 2-113, is  
21 amended to read as follows:

22 Section 2-113. A. 1. A caterer license may be issued to any  
23 person for the purpose of sale, delivery, or distribution of  
24 alcoholic beverages incidental to the sale or distribution of food

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

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

15 3. Each caterer shall submit an annual sales report containing  
16 revenue attributable to alcoholic beverages, food, and all other  
17 revenues attributable to the catering service. The annual sales  
18 report must be submitted thirty (30) days prior to expiration of the  
19 caterer license on forms prescribed by the ABLE Commission. The  
20 caterer license may not be renewed if the caterer fails to provide  
21 complete or sufficient financial data.

22 4. Each caterer shall submit a monthly event report containing  
23 information on all events scheduled for the subsequent month. If an  
24 event is scheduled after the first day of the month for an event to

1 occur in the same month, then the caterer shall report that event  
2 within twenty-four (24) hours of scheduling the event or within  
3 twenty-four (24) hours prior to the event, whichever occurs first.  
4 The monthly event report shall be submitted on the first day of each  
5 month.

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

12 6. Any caterer who fails to submit a monthly report shall have  
13 the caterer license automatically suspended until such time that the  
14 caterer has fully complied with all reporting requirements. Any  
15 caterer whose annual food sales do not exceed thirty-five percent  
16 (35%) of his or her total annual combined sales shall not have the  
17 caterer's license renewed.

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

20 C. The restrictions and rules which apply to the sale of mixed  
21 beverages on the premises of a mixed beverage licensee also apply to  
22 the sale under the authority of a caterer license. Any act which if  
23 done on the premises of a mixed beverage licensee would be a ground  
24

1 for revocation or suspension of the mixed beverage license is a  
2 ground for revocation or suspension of a caterer license.

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

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

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

18 1. The caterer shall take reasonable steps to ensure that the  
19 mixed beverage applicant uses only licensed employees to perform  
20 licensable activities while using the caterer's license. The  
21 caterer shall use his or her best efforts to attempt to have a  
22 licensed employee on-site supervising the sale of such caterer's  
23 alcoholic beverages at all times, but the caterer shall not be  
24 disciplined for failing to have a licensed employee on-site. The

1 caterer expressly acknowledges that he or she is liable for all  
2 violations of the Oklahoma Alcoholic Beverage Control Act and rules  
3 of the ABLE Commission that are committed by the mixed beverage  
4 applicant and its employees during this period;

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

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

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

17 A caterer may provide alcoholic beverage services for temporary  
18 public events which have been licensed and approved by the ABLE  
19 Commission.

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

24

1 SECTION 13. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there  
3 is created a duplication in numbering, reads as follows:

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

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

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

20 D. For purposes of this section:

21 1. "Alcohol consumption area" or "alcohol consumption areas"  
22 means areas within the event venue provided for the consumption of  
23 alcoholic beverages by patrons and shall not include, and not be  
24 limited to, an area designated for parking, adjacent property not

1 monitored by the event venue, any public street, or where patron  
2 parking occurs during the duration of the event;

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

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

13 E. The ABLE Commission shall promulgate rules necessary for the  
14 implementation of this section.

15 SECTION 14. This act shall become effective November 1, 2023.

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1 Passed the Senate the 21st day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives