

1 **SENATE FLOOR VERSION**

2 February 7, 2019

3 SENATE BILL NO. 115

By: Bergstrom

4  
5  
6 An Act relating to alcohol licenses; amending  
7 Sections 30, 31 and 50, Chapter 366, O.S.L. 2016 (37A  
8 O.S. Supp. 2018, Sections 2-118, 2-119 and 2-138),  
9 which relate to airline/railroad beverage licenses;  
10 adding commercial vessel license; modifying language;  
11 requiring alcoholic beverage purchases from licensed  
12 wholesaler and beer distributors; excluding certain  
13 commercial vessel operation from excise tax  
14 exemption; providing an effective date; and declaring  
15 an emergency.

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

17 SECTION 1. AMENDATORY Section 30, Chapter 366, O.S.L.  
18 2016 (37A O.S. Supp. 2018, Section 2-118), is amended to read as  
19 follows:

20 Section 2-118. A. An airline/railroad/commercial vessel  
21 beverage license shall authorize the holder thereof:

22 1. To sell or serve alcoholic beverages in or from any size  
23 container on a commercial passenger airplane, vessel or railroad  
24 operated in compliance with a valid license, permit or certificate  
issued under the authority of the United States or this state or its  
instrumentality, even though the airplane, vessel or train, in the

1 course of its travel, may cross an area in which the sale of  
2 alcoholic beverages by the individual drink is not authorized; and

3 2. To store alcoholic beverages in sealed containers of any  
4 size at any airport, facility or station regularly served by the  
5 licensee, in accordance with rules promulgated by the ABLE  
6 Commission.

7 B. Alcoholic beverages purchased by the holder of an  
8 airline/railroad license from the holder of a wholesaler license or  
9 beer distributor license shall be presumed to be purchased for  
10 consumption outside the State of Oklahoma or in interstate commerce,  
11 and shall be exempt from the excise tax provided ~~for~~ in Section ~~104~~  
12 ~~of this act~~ 5-101 of this title. A commercial vessel operating  
13 solely on the waterways within this state shall purchase alcoholic  
14 beverages from the holder of a wholesaler license or beer  
15 distributor license and shall not be exempt from the excise tax  
16 provided in Section 5-101 of this title.

17 SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L.  
18 2016 (37A O.S. Supp. 2018, Section 2-119), is amended to read as  
19 follows:

20 Section 2-119. An airline/railroad/commercial vessel beverage  
21 license may be issued to any corporation operating a commercial  
22 airline, vessel or railroad in or through this state. Application  
23 and payment of the license fee shall be made directly to the ABLE  
24 Commission.

1 SECTION 3. AMENDATORY Section 50, Chapter 366, O.S.L.  
2 2016 (37A O.S. Supp. 2018, Section 2-138), is amended to read as  
3 follows:

4 Section 2-138. The holder of a mixed beverage, beer and wine,  
5 caterer, special event, public event or airline/railroad/commercial  
6 vessel beverage license shall purchase alcoholic beverages only from  
7 a licensed wine and spirits wholesaler or beer distributor, or as  
8 otherwise specifically provided by law; provided, the holder of a  
9 mixed beverage, beer and wine, caterer or special event license  
10 issued for an establishment which is also a restaurant may purchase  
11 wine produced at small farm wineries or beer produced at small  
12 breweries in this state directly from a winemaker or craft brewer as  
13 provided in Article XXVIII A of the Oklahoma Constitution.

14 A wine and spirits wholesaler, beer distributor or a holder of a  
15 small brewer self-distribution license or brewpub self-distribution  
16 license may deliver such products to licensees authorized to sell  
17 alcoholic beverages for on-premises consumption; provided, such  
18 licensees may also pick up alcoholic beverage orders if they hold a  
19 private carrier license issued by the ABLE Commission.

20 SECTION 4. This act shall become effective July 1, 2019.

21 SECTION 5. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
4 February 7, 2019 - DO PASS  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24