

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1701

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Section 2-104, which relate to winemaker
9 license; allowing for off-premises sales; specifying
10 requirements of sale; providing for cancel of sale
11 under certain conditions; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-104, is
14 amended to read as follows:

15 Section 2-104. A winemaker license shall authorize the holder
16 thereof:

17 1. To manufacture (including such mixing, blending and cellar
18 treatment as authorized by federal law), bottle, package and store
19 on licensed premises wine containing not more than twenty-four
20 percent (24%) alcohol by volume, provided the bottle or package
21 sizes authorized shall be limited to the capacities approved by the
22 United States Alcohol and Tobacco Tax and Trade Bureau;

23 2. To sell wine in this state to licensed wholesalers and
24 manufacturers;

1 3. To sell wine produced at the winery from grapes and other
2 fruits and berries grown in this state, if available, for either on-
3 premises or off-premises consumption to consumers on the premises of
4 the winery;

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18 of wine shall be considered removed or withdrawn from the winery for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

21 5. To serve free samples of wine produced at the winery at
22 public events such as festivals and trade shows;

1 6. To sell wine produced at the winery, for either on-premises
2 or off-premises consumption at public events such as festivals and
3 trade shows;

4 7. To sell wine out of this state to qualified persons;

5 8. To purchase from licensed winemakers, distillers and
6 rectifiers in this state, and to import into this state wine, brandy
7 and fruit spirits for use in manufacturing in accordance with
8 federal laws and regulations;

9 9. To sell and serve Oklahoma-manufactured wine, mulled wine,
10 or spiced wine, mixed with nonalcoholic beverages or food items such
11 as water, sugar, fruits and vegetables, at any temperature for
12 either on-premises or off-premises consumption. A sealed container
13 by a winemaker licensee at the winemaker licensee's location may be
14 transferred and sold for off-premises consumption if the drink is
15 transferred within the licensed premises for delivery by an employee
16 of the retail licensee who:

17 a. is at least twenty-one (21) years of age, and

18 b. upon delivery, verifies the age of the person to whom
19 the cocktail is being delivered.

20 if the employee delivering the drink is not able to safely
21 verify a person's age or level of intoxication upon delivery, the
22 employee shall cancel the sale of alcohol and return the produce to
23 the retail license holder;

1 10. To purchase beer in retail containers from the holder of a
2 wholesaler, beer distributor, small brewer self-distributor or
3 brewpub self-distributor license or as specifically provided by law;

4 11. To sell, offer for sale and possess beer for on-premises
5 consumption; and

6 12. To establish satellite tasting rooms as defined and
7 authorized in this act where the winemaker's products may be tasted,
8 sampled, sold and served for on-premises consumption and the
9 winemaker is permitted to sell its products in sealed containers;
10 provided, the small farm winery license or winemaker license is
11 active and in good standing. The wine sold at a satellite tasting
12 room must have been produced/manufactured by the holder of a small
13 farm winery license or winemaker license and must have all
14 manufacturing taxes paid.

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

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