

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1818

By: Rosino of the Senate

and

6 Echols and Hardin of the  
7 House

8  
9 COMMITTEE SUBSTITUTE

10 [ alcoholic beverages - license fees - caterer  
11 license - lawful usage - event venue -  
12 noncodification - codification - effective date ]

13  
14  
15  
16 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

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

21 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, as  
22 amended by Section 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,  
23 Section 1-103), is amended to read as follows:

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

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

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

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

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

19 5. "Beer" means any beverage containing more than one-half of  
20 one percent ~~(0.50%)~~ (1/2 of 1%) of alcohol by volume and obtained by  
21 the alcoholic fermentation of an infusion or decoction of barley, or  
22 other grain, sugar, malt or similar products. For the purposes of  
23 taxation, distribution, sales, and regulation, seltzer shall mean  
24 the same as beer as provided in this section. Beer may or may not

1 contain hops or other vegetable products. Beer includes, among  
2 other things, beer, ale, stout, lager beer, porter, seltzer, and  
3 other malt or brewed liquors, but does not include sake, known as  
4 Japanese rice wine;

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

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

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

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

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

1 11. "Brand extension" means:

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

18 25. "Event venue" means any location, property, space,  
19 premises, grounds, building or buildings, or other site owned,  
20 leased, or occupied by a commercial business registered with the  
21 Oklahoma Secretary of State or foreign commercial business  
22 authorized to transact business in Oklahoma that offers to the  
23 general public for rent, lease, reservation, or other contractual  
24 use, for the hosting of a function, occasion, or event, special,

1 private, or public, of a temporary nature. The location, property,  
2 space, premises, grounds, or building or buildings defined in this  
3 paragraph shall not include those owned, leased, or occupied by  
4 organizations exempt from taxation pursuant to the provisions of the  
5 Internal Revenue Code, 26 U.S.C., Section 501(c) (3);

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

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

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

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

22 ~~28.~~ 29. "Grocery store" means a person primarily engaged in  
23 retailing a general line of food, such as canned or frozen foods,  
24



1 fresh fruits and vegetables, and fresh and prepared meats, fish and  
2 poultry;

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

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

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

20 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing  
21 more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
22 not more than three and two-tenths percent (3.2%) alcohol by weight,  
23 including but not limited to, beer or cereal malt beverages obtained  
24

1 by the alcoholic fermentation of an infusion by barley or other  
2 grain, malt or similar products;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       ~~57.~~ 58. "Seltzer" means any beverage containing more than one-  
2 half of one percent ~~(0.50%)~~ (1/2 of 1%) of alcohol by volume and  
3 obtained by the alcoholic fermentation of malt, rice, grain of any  
4 kind, bran, glucose, sugar, or molasses and combined with carbonated  
5 water and other flavoring and labeled as "beer" by the Internal  
6 Revenue Code; provided, that seltzer shall not include carbonated  
7 beverages mixed with wine or spirits;

8       ~~58.~~ 59. "Short-order food" means food other than full meals  
9 including but not limited to sandwiches, soups and salads. Provided  
10 that popcorn, chips and other similar snack food shall not be  
11 considered short-order food;

12       ~~59.~~ 60. "Small brewer" means a brewer who manufactures less  
13 than sixty-five thousand barrels of beer annually pursuant to a  
14 validly issued Small Brewer License hereunder;

15       ~~60.~~ 61. "Small farm wine" means a wine that is produced by a  
16 small farm winery with seventy-five percent (75%) or more Oklahoma-  
17 grown grapes, berries, other fruits, honey or vegetables;

18       ~~61.~~ 62. "Small farm winery" means a wine-making establishment  
19 that does not annually produce for sale more than fifteen thousand  
20 (15,000) gallons of wine as reported on the United States Department  
21 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of  
22 Wine Premises Operations (TTB Form 5120.17);

23       ~~62.~~ 63. "Sparkling wine" means champagne or any artificially  
24 carbonated wine;

1       ~~63.~~ 64. "Special event" means an entertainment, recreation or  
2 marketing event that occurs at a single location on an irregular  
3 basis and at which alcoholic beverages are sold;

4       ~~64.~~ 65. "Spirits" means any beverage other than wine or beer,  
5 which contains more than one-half of one percent (1/2 of 1%) alcohol  
6 measured by volume, and obtained by distillation, whether or not  
7 mixed with other substances in solution and includes those products  
8 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
9 fortified wines and similar compounds, but shall not include any  
10 alcohol liquid completely denatured in accordance with the Acts of  
11 Congress and regulations pursuant thereto;

12       ~~65.~~ 66. "Strong beer" means beer which, prior to October 1,  
13 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage  
14 Control Act, Section 1-101 et seq. of this title;

15       ~~66.~~ 67. "Successor brewer" means a primary source of supply, a  
16 brewer, a cider manufacturer or an importer that acquires rights to  
17 a beer or cider brand from a predecessor brewer;

18       ~~67.~~ 68. "Tax Commission" means the Oklahoma Tax Commission;

19       ~~68.~~ 69. "Territory" means a geographic region with a specified  
20 boundary;

21       ~~69.~~ 70. "Wine and spirits wholesaler" or "wine and spirits  
22 distributor" means and includes any sole proprietorship or  
23 partnership licensed to distribute wine and spirits in the state.  
24 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage



1 Control Act, shall be construed to refer to a wine and spirits  
2 wholesaler;

3 ~~70.~~ 71. "Wine" means and includes any beverage containing more  
4 than one-half of one percent (1/2 of 1%) alcohol by volume and not  
5 more than twenty-four percent (24%) alcohol by volume at sixty (60)  
6 degrees Fahrenheit obtained by the fermentation of the natural  
7 contents of fruits, vegetables, honey, milk or other products  
8 containing sugar, whether or not other ingredients are added, and  
9 includes vermouth and sake, known as Japanese rice wine;

10 ~~71.~~ 72. "Winemaker" means and includes any person or  
11 establishment who manufactures for human consumption any wine upon  
12 which a license fee and a tax are imposed by any law of this state;  
13 and

14 ~~72.~~ 73. "Satellite tasting room" means a licensed establishment  
15 operated off the licensed premises of the holder of a small farm  
16 winery or winemaker license, which serves wine for on-premises or  
17 off-premises consumption.

18 Words in the plural include the singular, and vice versa, and  
19 words imparting the masculine gender include the feminine, as well  
20 as persons and licensees as defined in this section.

21 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, as  
22 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023,  
23 Section 2-101), is amended to read as follows:

24

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

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

24 (initial license)

1		\$905.00
2		(renewal)
3	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
4	14. On-Premises Beer and Wine License.....	\$500.00
5		(initial license)
6		\$450.00
7		(renewal)
8	15. Bottle Club License.....	\$1,000.00
9		(initial license)
10		\$900.00
11		(renewal)
12	16. Caterer License.....	\$1,005.00
13		(initial license)
14		\$905.00
15		(renewal)
16	17. Annual Special Event License.....	\$55.00
17	18. Quarterly Special Event License.....	\$55.00
18	19. Hotel Beverage License.....	\$1,005.00
19		(initial license)
20		\$905.00
21		(renewal)
22	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
23	License.....	\$1,005.00
24		(initial license)

1		\$905.00
2		(renewal)
3	21. Agent License.....	\$55.00
4	22. Employee License.....	\$30.00
5	23. Industrial License.....	\$23.00
6	24. Carrier License.....	\$23.00
7	25. Private Carrier License.....	\$23.00
8	26. Bonded Warehouse License.....	\$190.00
9	27. Storage License.....	\$23.00
10	28. Nonresident Seller License .....	\$750.00
11	29. Manufacturer License:	
12	a. 50 cases or less sold in Oklahoma in	
13	last calendar year.....	\$50.00
14	b. 51 to 500 cases sold in Oklahoma in	
15	last calendar year.....	\$75.00
16	c. 501 cases or more sold in Oklahoma in	
17	last calendar year.....	\$150.00
18	30. Manufacturer's Agent License.....	\$55.00
19	31. Sacramental Wine Supplier License.....	\$100.00
20	32. Charitable Auction License.....	\$1.00
21	33. Charitable Alcoholic Beverage License.....	\$55.00
22	34. Winemaker Self-Distribution License:	
23	a. produced ten thousand (10,000) gallons	
24	or less in last calendar year.....	\$350.00

- 1           b.    produced more than ten thousand
- 2                   (10,000) gallons but no more than
- 3                   fifteen thousand (15,000) gallons in
- 4                   last calendar year..... \$750.00
- 5    35.   Annual Public Event License..... \$1,005.00
- 6    36.   One-Time Public Event License..... \$255.00
- 7    37.   Small Brewer Self-Distribution License:
- 8           a.    produced fifteen thousand (15,000)
- 9                   barrels or less in last calendar year..... \$350.00
- 10          b.    produced more than fifteen thousand
- 11                   (15,000) barrels in last calendar year..... \$750.00
- 12    38.   Brewpub License..... \$1,005.00
- 13    39.   Brewpub Self-Distribution License..... \$750.00
- 14    40.   Complimentary Beverage License..... \$75.00
- 15    41.   Satellite Tasting Room License..... \$100.00
- 16    42.   Event Venue License..... \$500.00

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

24

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

3 2. There shall be added to the fee for a mixed beverage/caterer  
4 combination license an administrative fee, which shall not be deemed  
5 to be a license fee, in the amount of Two Hundred Fifty Dollars  
6 (\$250.00), which shall be paid at the same time and in the same  
7 manner as the license fee prescribed by paragraph 13 of subsection A  
8 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, as  
16 amended by Section 1, Chapter 42, O.S.L. 2023 (37A O.S. Supp. 2023,  
17 Section 2-113), is amended to read as follows:

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

1 total combined annual sales. A caterer license shall not be issued  
2 to a person whose main purpose is the sale of alcoholic beverages.

3 2. A caterer license may only be issued to those persons that  
4 prepare, sell and distribute food for consumption either on licensed  
5 or unlicensed premises. In order to renew a caterer license, annual  
6 food sales must constitute at least thirty-five percent (35%) of the  
7 caterer's total combined sales based on the most recent calendar  
8 year. A caterer shall not be required to prepare, sell and  
9 distribute food at every catered event as long as the caterer  
10 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  
20 if done on the premises of a mixed beverage licensee, would be a  
21 ground for revocation or suspension of the mixed beverage license is  
22 a 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 shall not apply to the holder of an event venue license.

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

12 F. A caterer may provide alcoholic beverage sales on the  
13 premises of a person currently applying for an on-premises beer and  
14 wine license, mixed beverage/caterer combination license, or mixed  
15 beverage license, provided the following terms have been satisfied:

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

1 for all violations of the Oklahoma Alcoholic Beverage Control Act  
2 and rules of the ABLE Commission that are committed by the on-  
3 premises beer and wine applicant, the mixed beverage/caterer  
4 combination applicant, or the mixed beverage applicant and its  
5 employees during this period;

6 2. The caterer and the on-premises beer and wine applicant, the  
7 mixed beverage/caterer combination applicant, or the mixed beverage  
8 applicant must submit to the ABLE Commission a written agreement  
9 setting forth all the terms of the catering agreement at least  
10 twenty-four (24) hours prior to the commencement of the catered  
11 event; and

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

17 G. A caterer may provide alcoholic beverage services for  
18 temporary public events which have been licensed and approved by the  
19 ABLE 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        I. A caterer or a licensed bartender shall not sell or  
2 distribute alcoholic beverages on the premises of an event venue as  
3 defined in Section 1-103 of this title unless the event venue holds  
4 an event venue license pursuant to Section 6 of this act or is not  
5 required to hold an event venue license pursuant to this act.

6        SECTION 6.        NEW LAW        A new section of law to be codified  
7 in the Oklahoma Statutes as Section 5-163 of Title 37A, unless there  
8 is created a duplication in numbering, reads as follows:

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

13        B. An event venue shall display all licenses issued by the ABLE  
14 Commission in a conspicuous place at all times on the licensed  
15 premises.

16        C. An event venue, as defined in Section 1-103 of Title 37A of  
17 the Oklahoma Statutes, which does not permit alcoholic beverages on  
18 its premises, which already holds a mixed beverage license, on-  
19 premises beer and wine license, small brewer license, brewpub  
20 license, winemaker license, small farm winery license, which is the  
21 site of an event for the holder of a public event, special event,  
22 charitable event license, or has a contract with a caterer or  
23 caterers that are already holders of a mixed beverage/caterer

1 combination license, shall not be required to obtain an event venue  
2 license pursuant to this section.

3 D. The ABLE Commission shall promulgate rules necessary for the  
4 implementation of this section.

5 SECTION 7. This act shall become effective November 1, 2024.

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