

1 ENGROSSED SENATE  
2 BILL NO. 315

By: Coleman and Bergstrom of  
the Senate

3 and

4 McDugle of the House  
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7 An Act relating to alcoholic beverages; amending  
8 Section 15, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
9 2020, Section 2-103), which relates to distiller  
10 licenses; modifying authority of holders of distiller  
11 licenses; amending Section 19, Chapter 366, O.S.L.  
12 2016, as amended by Section 11, Chapter 364, O.S.L.  
13 2017 (37A O.S. Supp. 2020, Section 2-107), which  
14 relates to wine and spirits; modifying authorized  
15 acts of certain wholesalers; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY Section 15, Chapter 366, O.S.L.  
19 2016 (37A O.S. Supp. 2020, Section 2-103), is amended to read as  
20 follows:

21 Section 2-103. A. A distiller license shall authorize the  
22 holder thereof:

23 1. To manufacture, bottle, package and store spirits on  
24 licensed premises;

2. To sell spirits in this state to licensed wholesalers and  
manufacturers only;

1 3. To sell spirits out of this state to qualified persons; to  
2 purchase from licensed distillers and rectifiers in this state, and  
3 import spirits from without this state for manufacturing purposes in  
4 accordance with federal laws and regulations; and

5 4. To serve free samples of spirits produced only by the  
6 licensee to visitors twenty-one (21) years of age and older. For  
7 purposes of this section, no visitor may sample more than a total of  
8 three (3) fluid ounces of spirits per day. The distiller shall  
9 restrict the distribution and consumption of spirits samples to an  
10 area within the licensed premises designated by the distiller. A  
11 current floor plan that includes the designated sampling area shall  
12 be on file with the ABLE Commission. No visitor under twenty-one  
13 (21) years of age shall be permitted to enter the designated  
14 sampling area when samples are being distributed and consumed.  
15 Samples of spirits served by a distiller under this section shall  
16 not be considered a sale of spirits within the meaning of Article  
17 ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution or Section ~~3~~ 1-103 of  
18 this ~~act~~ title; provided, such samples of spirits shall be  
19 considered removed or withdrawn from the distillery for use or  
20 consumption within the meaning of Section ~~113~~ 5-110 of this ~~act~~  
21 title for excise tax determination and reporting requirements;

22 5. To sell spirits produced by the licensee for either on-  
23 premises or off-premises consumption to consumers on the licensed  
24 distillery premises or in an area controlled by the licensee located

1 contiguous to the licensed distillery premises. Product offered for  
2 sale by the Oklahoma licensed distiller will have been sold to and  
3 shipped to an Oklahoma licensed wine and spirits wholesaler and then  
4 made available for purchase by the Oklahoma licensed distiller for  
5 sale; and

6 6. To sell spirits at public events such as trade shows or  
7 festivals. Products offered for sale by the Oklahoma licensed  
8 distiller will have been sold to and shipped to an Oklahoma licensed  
9 wine and spirits wholesaler and then made available for purchase by  
10 the Oklahoma licensed distiller.

11 B. Spirits sold pursuant to paragraphs 5 and 6 of subsection A  
12 of this section shall not exceed fifteen thousand (15,000) gallons  
13 per calendar year in combination.

14 SECTION 2. AMENDATORY Section 19, Chapter 366, O.S.L.  
15 2016, as amended by Section 11, Chapter 364, O.S.L. 2017 (37A O.S.  
16 Supp. 2020, Section 2-107), is amended to read as follows:

17 Section 2-107. A. A wine and spirits wholesaler license shall  
18 authorize the holder thereof:

19 1. To purchase and import into this state spirits and wines  
20 from persons authorized to sell same who are the holders of a  
21 manufacturer or nonresident seller license, and their agents who are  
22 the holders of manufacturer's agent licenses;

23 2. To purchase spirits and wines from licensed distillers,  
24 rectifiers and winemakers in this state;

1       3. To purchase spirits and wines from licensed wholesalers, to  
2 the extent set forth in subsections B and C of this section;

3       4. To sell in retail containers in this state to retailers,  
4 mixed beverage, caterer, special event, public event, hotel beverage  
5 or airline/railroad beverage licensees, spirits and wines which have  
6 been received and unloaded at the bonded warehouse facilities of the  
7 wholesaler before such sale;

8       5. To sell to licensed wholesalers, to the extent set forth in  
9 subsections B and C of this section, spirits and wines which have  
10 been received and unloaded at the bonded warehouse facilities of the  
11 wholesaler before such sale; ~~and~~

12       6. To sell spirits and wines out of this state to qualified  
13 persons; and

14       7. To sell to licensed distillers spirits that were  
15 manufactured by that distiller and which have been received and  
16 unloaded at a bonded warehouse facility of a wholesaler before such  
17 sale.

18       Provided, however, sales of spirits and wine in containers with  
19 a capacity of less than one-twentieth (1/20) gallon by a holder of a  
20 wholesaler license shall be in full case lots and in the original  
21 unbroken case. Wholesalers shall be authorized to place such signs  
22 outside their place of business as are required by Acts of Congress  
23 and by such laws and regulations promulgated under such Acts.

1 B. A wholesaler may sell spirits and wine to other wholesalers  
2 or purchase spirits and wines from other wholesalers without  
3 complying with subsection A of this section in the case of the sale,  
4 purchase or other transfer or acquisition of the entire business of  
5 a wholesaler, including the inventory of spirits and wine.

6 C. A wholesaler license shall authorize the holder thereof to:

7 1. Maintain not more than three (3) self-owned or leased and  
8 self-operated bonded warehouses within this state. All invoices  
9 shall be stored at the principal place of business for which the  
10 wholesaler license was granted; and

11 2. Accept as payment cash, personal check, cashier's check,  
12 money order or electronic fund transfer from persons licensed to  
13 purchase alcoholic beverages; provided, a wholesaler shall not be  
14 permitted to accept payment by credit card.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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