

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 800

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-105, which relates to the winemaker self-distribution license; allowing winemaker and winery license holders to distribute to certain licensed holders; requiring election to certain distribution; prohibiting certain election; requiring notice to ABLE Commission for election and changes to election before operation; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-105, is amended to read as follows:

Section 2-105. A. A winemaker self-distribution license shall authorize a licensed winemaker within or without this state which is permitted by Article ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution and this section:

1. To distribute its wine directly to retail spirits, retail wine and retail beer licensees, mixed beverage licensees, beer and wine licensees, and restaurants in this state; and

1 2. If such a winemaker elects to do so, to sell and deliver its
2 wines directly to licensed retail package stores, mixed beverage
3 licensees, beer and wine licensees, and restaurants in this state in
4 full case lots only, and in accordance with the provisions of the
5 Oklahoma Alcoholic Beverage Control Act and such rules as the ABLE
6 Commission shall promulgate.

7 B. A winemaker either within or without this state that
8 annually produces no more than fifteen thousand (15,000) gallons of
9 wine may elect to sell and self-distribute the wine produced by such
10 winemaker directly to licensed retail package stores, mixed beverage
11 licensees, beer and wine licensees, and restaurants in this state;
12 provided:

13 1. Any such winemaker which elects to directly sell its wine to
14 package stores, mixed beverage licensees, beer and wine licensees,
15 and restaurants shall not also use a licensed wholesale distributor
16 as a means of distribution, and shall be required to sell its wines
17 to every package store, mixed beverage licensee, beer and wine
18 licensee, and restaurant licensee who desires to purchase the same,
19 on the same price basis and without discrimination;

20 2. If a winemaker or winery sells directly to a retail package
21 store, mixed beverage licensee, beer and wine licensee, or
22 restaurant, the winemaker shall transport the wine from the
23 winemaker's winery to the premises where the wine is to be delivered
24 only in vehicles owned or leased by the winemaker and not by common

1 or private contract carrier and shall obtain all necessary permits
2 as required by the Oklahoma Alcoholic Beverage Control Act; and

3 3. If the production volume limit applicable to winemakers is
4 ruled to be unconstitutional by a court of competent jurisdiction,
5 then no winemaker shall be permitted to directly sell its wine to
6 retail package stores, non-package-store retailers, mixed beverage
7 licensees, beer and wine licensees, or restaurants in this state.

8 C. A licensed winemaker or winery may distribute wine produced
9 only by such license holder to a holder of a retail beer license,
10 retail spirits license, mixed beverage license, beer and wine
11 license, caterer's license, special event license, public event
12 license, charitable auction license, or brewpub license. A
13 winemaker or winery shall elect whether to distribute through a
14 licensed distributor or self-distribute in a subject territory;
15 provided, the winemaker or winery license holder shall not elect to
16 do both simultaneously in a subject territory. The election shall
17 be made through notice to the ABLE Commission. Any changes to the
18 election shall require immediate notification to the ABLE Commission
19 before the change in election shall take effect.

20 SECTION 2. This act shall become effective November 1, 2023.

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