

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 85 By: Coleman of the Senate  
3 and  
4 Strom of the House  
5  
6

7 An Act relating to alcoholic beverages; amending  
8 Section 14, Chapter 366, O.S.L. 2016, as last amended  
9 by Section 3, Chapter 322, O.S.L. 2019 (37A O.S.  
10 Supp. 2020, Section 2-102), which relates to brewer  
11 and small brewer licenses; authorizing holders of  
12 multiple small brewer licenses to sell beer at  
13 multiple locations; updating statutory language; and  
14 providing an effective date.

13 AUTHOR: Add the following House Coauthor: Phillips  
14 AUTHOR: Add the following Senate Coauthor: Bergstrom  
15 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
16 and replace with:

17 "An Act relating to alcoholic beverages; amending  
18 Section 14, Chapter 366, O.S.L. 2016, as last  
19 amended by Section 3, Chapter 322, O.S.L. 2019 (37A  
20 O.S. Supp. 2020, Section 2-102), which relates to  
21 brewer and small brewer licenses; authorizing  
22 holders of multiple small brewer licenses to sell  
23 beer at multiple locations; updating statutory  
24 language; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.  
2 2016, as last amended by Section 3, Chapter 322, O.S.L. 2019 (37A  
3 O.S. Supp. 2020, Section 2-102), is amended to read as follows:

4 Section 2-102. A. A brewer license shall authorize the holder  
5 thereof:

6 1. To manufacture, bottle, package and store beer and cider on  
7 the licensed premises; and

8 2. To sell beer and cider in this state to holders of beer  
9 distributor licenses and to sell beer and cider out of this state to  
10 qualified persons.

11 B. A small brewer license shall authorize the holder thereof:

12 1. To manufacture, bottle, package and store beer produced by  
13 the licensee on licensed premises;

14 2. To sell beer in this state to holders of beer distributor  
15 licenses and retail licenses or to sell beer out of this state to  
16 qualified persons;

17 3. To serve free samples of beer produced by the licensee to  
18 visitors twenty-one (21) years of age or older;

19 4. To sell beer produced by the licensee for either on-premises  
20 or off-premises consumption to consumers on the brewery premises, or  
21 on premises located contiguous thereto;

22 5. To sell beer at public events such as trade shows or  
23 festivals;

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1           6. To purchase wine in retail containers from the holder of a  
2 wholesaler license or as specifically provided by law; and

3           7. To sell, offer for sale and possess wine for on-premises  
4 consumption.

5           C. The holder of multiple small brewer licenses may sell beer  
6 produced at up to three breweries for which the licensee has a  
7 license, at any other of such three licensed breweries or on  
8 premises located contiguous thereto.

9           D. Nothing in ~~this act~~ the Alcoholic Beverage Control Act shall  
10 prohibit the holder of a small brewer license from also holding or  
11 owning an interest in the holder of a brewpub license.

12           ~~D.~~ E. For purposes of this section, no visitor may sample more  
13 than a total of twelve (12) fluid ounces of beer per day. The  
14 brewer must restrict the distribution and consumption of beer  
15 samples to an area within the licensed premises designated by the  
16 brewer. A current floor plan that includes the designated sampling  
17 area must be on file with the ABLE Commission. No visitor under  
18 twenty-one (21) years of age shall be permitted to enter this  
19 designated sampling area when samples are being distributed or  
20 consumed. Samples of beer served by a brewery under this section  
21 shall not be considered a sale of beer within the meaning of Article  
22 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this  
23 title; however, such samples of beer shall be considered beer  
24 removed or withdrawn from the brewery for use or consumption within

1 the meaning of Section 5-110 of this title for excise tax  
2 determination and reporting requirements. Sales and sampling may  
3 only occur between the hours of 10:00 a.m. and 2:00 a.m.

4 ~~F.~~ F. A small brewer self-distribution license shall authorize  
5 holders of a small brewer license to distribute beer produced only  
6 by such licensee to a holder of a retail beer license, retail  
7 spirits license, mixed beverage license, beer and wine license,  
8 caterer's license, special event license, public event license,  
9 charitable auction license or brewpub license. A small brewer shall  
10 elect whether it will distribute through a distributor or self-  
11 distribute in a subject territory; however, a small brewer may not  
12 elect to do both simultaneously in a subject territory. The  
13 election shall be made through notice to the ABLE Commission. Any  
14 changes to the election shall require immediate notification to the  
15 ABLE Commission before the change in election will take effect. A  
16 small brewer that elects to self-distribute in multiple territories  
17 shall only be required to have one small brewer self-distribution  
18 license.

19 ~~F.~~ G. All manufacturer's licenses held by brewers during the  
20 first calendar year beginning October 1, 2018, shall automatically  
21 convert to brewer licenses and be deemed effective as of the date of  
22 the first issuance of the manufacturer's license. Upon the first  
23 renewal of ~~said~~ the license, the brewer will need to obtain the  
24 appropriate brewer's license. If a brewer elects to market wine and

1 spirits, the brewer will also be required to obtain a manufacturer's  
2 license and comply with the rules and regulations for both licenses.

3 SECTION 2. This act shall become effective November 1, 2021."

4 Passed the House of Representatives the 19th day of April, 2021.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 85

By: Coleman of the Senate

3 and

4 Strom of the House

5  
6 An Act relating to alcoholic beverages; amending  
7 Section 14, Chapter 366, O.S.L. 2016, as last amended  
8 by Section 3, Chapter 322, O.S.L. 2019 (37A O.S.  
9 Supp. 2020, Section 2-102), which relates to brewer  
10 and small brewer licenses; authorizing holders of  
11 multiple small brewer licenses to sell beer at  
12 multiple locations; updating statutory language; and  
13 providing an effective date.

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

15 SECTION 3. AMENDATORY Section 14, Chapter 366, O.S.L.  
16 2016, as last amended by Section 3, Chapter 322, O.S.L. 2019 (37A  
17 O.S. Supp. 2020, Section 2-102), is amended to read as follows:

18 Section 2-102. A. A brewer license shall authorize the holder  
19 thereof:

20 1. To manufacture, bottle, package and store beer and cider on  
21 the licensed premises; and

22 2. To sell beer and cider in this state to holders of beer  
23 distributor licenses and to sell beer and cider out of this state to  
24 qualified persons.

B. A small brewer license shall authorize the holder thereof:

1        1. To manufacture, bottle, package and store beer produced by  
2 the licensee on licensed premises;

3        2. To sell beer in this state to holders of beer distributor  
4 licenses and retail licenses or to sell beer out of this state to  
5 qualified persons;

6        3. To serve free samples of beer produced by the licensee to  
7 visitors twenty-one (21) years of age or older;

8        4. To sell beer produced by the licensee for either on-premises  
9 or off-premises consumption to consumers on the brewery premises, or  
10 on premises located contiguous thereto;

11       5. To sell beer at public events such as trade shows or  
12 festivals;

13       6. To purchase wine in retail containers from the holder of a  
14 wholesaler license or as specifically provided by law; and

15       7. To sell, offer for sale and possess wine for on-premises  
16 consumption.

17       C. The holder of multiple small brewer licenses may sell beer  
18 produced at any brewery for which the licensee has a license, at any  
19 other brewery for which the licensee has a license or on premises  
20 located contiguous thereto.

21       D. Nothing in ~~this act~~ the Alcoholic Beverage Control Act shall  
22 prohibit the holder of a small brewer license from also holding or  
23 owning an interest in the holder of a brewpub license.

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1       ~~D.~~ E. For purposes of this section, no visitor may sample more  
2 than a total of twelve (12) fluid ounces of beer per day. The  
3 brewer must restrict the distribution and consumption of beer  
4 samples to an area within the licensed premises designated by the  
5 brewer. A current floor plan that includes the designated sampling  
6 area must be on file with the ABLE Commission. No visitor under  
7 twenty-one (21) years of age shall be permitted to enter this  
8 designated sampling area when samples are being distributed or  
9 consumed. Samples of beer served by a brewery under this section  
10 shall not be considered a sale of beer within the meaning of Article  
11 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this  
12 title; however, such samples of beer shall be considered beer  
13 removed or withdrawn from the brewery for use or consumption within  
14 the meaning of Section 5-110 of this title for excise tax  
15 determination and reporting requirements. Sales and sampling may  
16 only occur between the hours of 10:00 a.m. and 2:00 a.m.

17       ~~E.~~ F. A small brewer self-distribution license shall authorize  
18 holders of a small brewer license to distribute beer produced only  
19 by such licensee to a holder of a retail beer license, retail  
20 spirits license, mixed beverage license, beer and wine license,  
21 caterer's license, special event license, public event license,  
22 charitable auction license or brewpub license. A small brewer shall  
23 elect whether it will distribute through a distributor or self-  
24 distribute in a subject territory; however, a small brewer may not



1 elect to do both simultaneously in a subject territory. The  
2 election shall be made through notice to the ABLE Commission. Any  
3 changes to the election shall require immediate notification to the  
4 ABLE Commission before the change in election will take effect. A  
5 small brewer that elects to self-distribute in multiple territories  
6 shall only be required to have one small brewer self-distribution  
7 license.

8 ~~F.~~ G. All manufacturer's licenses held by brewers during the  
9 first calendar year beginning October 1, 2018, shall automatically  
10 convert to brewer licenses and be deemed effective as of the date of  
11 the first issuance of the manufacturer's license. Upon the first  
12 renewal of ~~said~~ the license, the brewer will need to obtain the  
13 appropriate brewer's license. If a brewer elects to market wine and  
14 spirits, the brewer will also be required to obtain a manufacturer's  
15 license and comply with the rules and regulations for both licenses.

16 SECTION 4. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 11th day of February, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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9 Presiding Officer of the House  
10 of Representatives