

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1057 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jon Echols _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1057

By: Rosino of the Senate

and

Echols of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to alcoholic beverages; creating the
11 Marissa Murrow Act; providing short title; amending
12 37A O.S. 2021, Sections 1-103, 2-101, 2-112, and 2-
13 113, which relate to definitions, license fees and
14 surcharges, caterer license, rules, and restrictions
15 of caterer license; defining term; providing fee and
16 surcharge for certain license; expanding
17 authorization; providing exemption; prohibiting
18 caterers and licensed bartenders from certain
19 actions; providing authorization for event venue
20 license; providing exemption for certain event
21 venues; providing requirements for event venues;
22 providing for the promulgation of administrative
23 rules; updating statutory reference; providing for
24 noncodification; providing for codification; and
providing an effective date.

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

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

1 This act shall be known and may be cited as the "Marissa Murrow
2 Act".

3 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, is
4 amended to read as follows:

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

7 1. "ABLE Commission" or "Commission" means the Alcoholic
8 Beverage Laws Enforcement Commission;

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

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

19 4. "Applicant" means any individual, legal or commercial
20 business entity, or any individual involved in any legal or
21 commercial business entity allowed to hold any license issued in
22 accordance with the Oklahoma Alcoholic Beverage Control Act;

23 5. "Beer" means any beverage of alcohol by volume and obtained
24 by the alcoholic fermentation of an infusion or decoction of barley,

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

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

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

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

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

22 10. "Brand" means any word, name, group of letters, symbol or
23 combination thereof, that is adopted and used by a licensed brewer
24

1 to identify a specific beer, wine or spirit and to distinguish that
2 product from another beer, wine or spirit;

3 11. "Brand extension" means:

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

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

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

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

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

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

1 12. "Brewer" means and includes any person who manufactures for
2 human consumption by the use of raw materials or other ingredients
3 any beer or cider upon which a license fee and a tax are imposed by
4 any law of this state;

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

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

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

24

1 specifically granted access by the mixed beverage licensee and
2 employees providing services to the club suite;

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

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

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

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

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

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

1 fermented substance, or any person who, making or keeping mash, wort
2 or wash, has also in his or her possession or use a still;

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

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

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

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

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

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

20 25. "Event venue" means a location, property, space, premises,
21 grounds, building or buildings, or other site that offers to the
22 general public for rent, lease, reservation, or other contractual
23 use, for the hosting of a function, occasion, or event, special,
24 private, or public, of a temporary nature. The location, property,

1 space, premises, grounds, or building or buildings defined in this
2 paragraph shall not include organizations exempt from taxation
3 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C.,
4 Section 501(c)(3);

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

11 ~~26.~~ 27. "Good cause" means:

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

17 ~~27.~~ 28. "Good faith" means the duty of each party to any
18 distributor agreement and all officers, employees or agents thereof
19 to act with honesty in fact and within reasonable standards of fair
20 dealing in the trade;

21 ~~28.~~ 29. "Grocery store" means a person primarily engaged in
22 retailing a general line of food, such as canned or frozen foods,
23 fresh fruits and vegetables, and fresh and prepared meats, fish and
24 poultry;

1 ~~29.~~ 30. "Hotel" or "motel" means an establishment which is
2 licensed to sell alcoholic beverages by the individual drink and
3 which contains guestroom accommodations with respect to which the
4 predominant relationship existing between the occupants thereof and
5 the owner or operator of the establishment is that of innkeeper and
6 guest. For purposes of this section, the existence of other legal
7 relationships as between some occupants and the owner or operator
8 thereof shall be immaterial;

9 ~~30.~~ 31. "Legal newspaper" means a newspaper meeting the
10 requisites of a newspaper for publication of legal notices as
11 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
12 Statutes;

13 ~~31.~~ 32. "Licensee" means any person holding a license under the
14 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
15 employee of such licensee while in the performance of any act or
16 duty in connection with the licensed business or on the licensed
17 premises;

18 ~~32.~~ 33. "Low-point beer" shall mean any beverages containing
19 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
20 not more than three and two-tenths percent (3.2%) alcohol by weight,
21 including but not limited to, beer or cereal malt beverages obtained
22 by the alcoholic fermentation of an infusion by barley or other
23 grain, malt or similar products;

24

1 ~~33.~~ 34. "Manufacturer" means a distiller, winemaker, rectifier
2 or bottler of any alcoholic beverage (other than beer) and its
3 subsidiaries, affiliates and parent companies;

4 ~~34.~~ 35. "Manufacturer's agent" means a salaried or commissioned
5 salesperson who is the agent authorized to act on behalf of the
6 manufacturer or nonresident seller in the state;

7 ~~35.~~ 36. "Meals" means foods commonly ordered at lunch or dinner
8 and at least part of which is cooked on the licensed premises and
9 requires the use of dining implements for consumption. Provided,
10 that the service of only food such as appetizers, sandwiches, salads
11 or desserts shall not be considered ~~"meals"~~ meals;

12 ~~36.~~ 37. "Mini-bar" means a closed container, either
13 refrigerated in whole or in part, or nonrefrigerated, and access to
14 the interior of which is:

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

18 ~~37.~~ 38. "Mixed beverage cooler" means any beverage, by whatever
19 name designated, consisting of an alcoholic beverage and fruit or
20 vegetable juice, fruit or vegetable flavorings, dairy products or
21 carbonated water containing more than one-half of one percent (1/2
22 of 1%) of alcohol measured by volume but not more than seven percent
23 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
24 packaged in a container not larger than three hundred seventy-five

1 (375) milliliters. Such term shall include but not be limited to
2 the beverage popularly known as a "wine cooler";

3 ~~38.~~ 39. "Mixed beverages" means one or more servings of a
4 beverage composed in whole or part of an alcoholic beverage in a
5 sealed or unsealed container of any legal size for consumption on
6 the premises where served or sold by the holder of a mixed beverage,
7 beer and wine, caterer, public event, charitable event or special
8 event license;

9 ~~39.~~ 40. "Motion picture theater" means an establishment which
10 is licensed by Section 2-110 of this title to sell alcoholic
11 beverages by the individual drink and where motion pictures are
12 exhibited, and to which the general public is admitted;

13 ~~40.~~ 41. "Nondesignated products" means the brands of wine or
14 spirits offered for sale by a manufacturer that have not been
15 assigned to a designated wholesaler;

16 ~~41.~~ 42. "Nonresident seller" means any person licensed pursuant
17 to Section 2-135 of this title;

18 ~~42.~~ 43. "Retail salesperson" means a salesperson soliciting
19 orders from and calling upon retail alcoholic beverage stores with
20 regard to his or her product;

21 ~~43.~~ 44. "Occupation" as used in connection with "occupation
22 tax" means the sites occupied as the places of business of the
23 manufacturers, brewers, wholesalers, beer distributors, retailers,
24

1 mixed beverage licensees, on-premises beer and wine licensees,
2 bottle clubs, caterers, public event and special event licensees;

3 ~~44.~~ 45. "Original package" means any container of alcoholic
4 beverage filled and stamped or sealed by the manufacturer or brewer;

5 ~~45.~~ 46. "Package store" means any sole proprietor or
6 partnership that qualifies to sell wine, beer and/or spirits for
7 off-premises consumption and that is not a grocery store,
8 convenience store or drug store, or other retail outlet that is not
9 permitted to sell wine or beer for off-premises consumption;

10 ~~46.~~ 47. "Patron" means any person, customer or visitor who is
11 not employed by a licensee or who is not a licensee;

12 ~~47.~~ 48. "Person" means an individual, any type of partnership,
13 corporation, association, limited liability company or any
14 individual involved in the legal structure of any such business
15 entity;

16 ~~48.~~ 49. "Premises" means the grounds and all buildings and
17 appurtenances pertaining to the grounds including any adjacent
18 premises if under the direct or indirect control of the licensee and
19 the rooms and equipment under the control of the licensee and used
20 in connection with or in furtherance of the business covered by a
21 license. ~~Provided that the~~ The ABLE Commission shall have the
22 authority to designate areas to be excluded from the licensed
23 premises solely for the purpose of:

24

- 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~~ These exceptions shall in no way limit the licensee's
7 concurrent responsibility for any violations of the Oklahoma
8 Alcoholic Beverage 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 ~~and,~~ 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 spirits license, Retail Wine License retail wine license or
17 Retail Beer License retail beer license;

18 ~~56.~~ 57. "Sale" means any transfer, exchange or barter in any
19 manner or by any means whatsoever, and includes and means all sales
20 made by any person, whether as principal, proprietor or as an agent,
21 servant or employee. The term ~~"sale"~~ sale is also declared to be
22 and include the use or consumption in this state of any alcoholic
23 beverage obtained within or imported from without this state, upon
24

1 which the excise tax levied by the Oklahoma Alcoholic Beverage
2 Control Act has not been paid or exempted;

3 ~~57.~~ 58. "Short-order food" means food other than full meals
4 including but not limited to sandwiches, soups and salads. Provided
5 that popcorn, chips and other similar snack food shall not be
6 considered ~~"short-order food"~~ short-order food;

7 ~~58.~~ 59. "Small brewer" means a brewer who manufactures less
8 than sixty-five thousand barrels of beer annually pursuant to a
9 validly issued ~~Small Brewer License~~ small brewer license hereunder;

10 ~~59.~~ 60. "Small farm wine" means a wine that is produced by a
11 small farm winery with seventy-five percent (75%) or more Oklahoma-
12 grown grapes, berries, other fruits, honey or vegetables;

13 ~~60.~~ 61. "Small farm winery" means a wine-making establishment
14 that does not annually produce for sale more than fifteen thousand
15 (15,000) gallons of wine as reported on the United States Department
16 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
17 Wine Premises Operations (TTB Form 5120.17);

18 ~~61.~~ 62. "Sparkling wine" means champagne or any artificially
19 carbonated wine;

20 ~~62.~~ 63. "Special event" means an entertainment, recreation or
21 marketing event that occurs at a single location on an irregular
22 basis and at which alcoholic beverages are sold;

23 ~~63.~~ 64. "Spirits" means any beverage other than wine or beer,
24 which contains more than one-half of one percent (1/2 of 1%) alcohol

1 measured by volume, and obtained by distillation, whether or not
2 mixed with other substances in solution and includes those products
3 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
4 fortified wines and similar compounds, but shall not include any
5 alcohol liquid completely denatured in accordance with the Acts of
6 Congress and regulations pursuant thereto;

7 ~~64.~~ 65. "Strong beer" means beer which, prior to October 1,
8 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
9 Control Act, Section ~~501~~ 1-101 et seq. of Title ~~37~~ 37A of the
10 Oklahoma Statutes;

11 ~~65.~~ 66. "Successor brewer" means a primary source of supply, a
12 brewer, a cider manufacturer or an importer that acquires rights to
13 a beer or cider brand from a predecessor brewer;

14 ~~66.~~ 67. "Tax Commission" means the Oklahoma Tax Commission;

15 ~~67.~~ 68. "Territory" means a geographic region with a specified
16 boundary;

17 ~~68.~~ 69. "Wine and spirits wholesaler" or "wine and spirits
18 distributor" means and includes any sole proprietorship or
19 partnership licensed to distribute wine and spirits in the state.
20 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
21 Control Act, shall be construed to refer to a wine and spirits
22 wholesaler;

23 ~~69.~~ 70. "Wine" means and includes any beverage containing more
24 than one-half of one percent (1/2 of 1%) alcohol by volume and not

1 more than twenty-four percent (24%) alcohol by volume at sixty (60)
2 degrees Fahrenheit obtained by the fermentation of the natural
3 contents of fruits, vegetables, honey, milk or other products
4 containing sugar, whether or not other ingredients are added, and
5 includes vermouth and sake, known as Japanese rice wine;

6 ~~70.~~ 71. "Winemaker" means and includes any person or
7 establishment who manufactures for human consumption any wine upon
8 which a license fee and a tax are imposed by any law of this state;
9 and

10 ~~71.~~ 72. "Satellite tasting room" means a licensed establishment
11 operated off the licensed premises of the holder of a small farm
12 winery or winemaker license, which serves wine for on-premises or
13 off-premises consumption.

14 Words in the plural include the singular, and vice versa, and
15 words imparting the masculine gender include the feminine, as well
16 as persons and licensees as defined in this section.

17 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, is
18 amended to read as follows:

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

- 22 1. Brewer License..... \$1,250.00
- 23 2. Small Brewer License..... \$125.00
- 24 3. Distiller License..... \$3,125.00

1	4.	Winemaker License.....	\$625.00
2	5.	Small Farm Winery License.....	\$75.00
3	6.	Rectifier License.....	\$3,125.00
4	7.	Wine and Spirits Wholesaler License.....	\$3,000.00
5	8.	Beer Distributor License.....	\$750.00
6	9.	The following retail spirits license fees	
7		shall be determined by the latest Federal	
8		Decennial Census:	
9	a.	Retail Spirits License for cities and	
10		towns from 200 to 2,500 population.....	\$305.00
11	b.	Retail Spirits License for cities and	
12		towns from 2,501 to 5,000 population.....	\$605.00
13	c.	Retail Spirits License for cities and	
14		towns over 5,000 population.....	\$905.00
15	10.	Retail Wine License.....	\$1,000.00
16	11.	Retail Beer License.....	\$500.00
17	12.	Mixed Beverage License.....	\$1,005.00
18			(initial license)
19			\$905.00
20			(renewal)
21	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
22	14.	On-Premises Beer and Wine License.....	\$500.00
23			(initial license)
24			\$450.00

1		(renewal)	
2	15.	Bottle Club License.....	\$1,000.00
3		(initial license)	
4			\$900.00
5		(renewal)	
6	16.	Caterer License.....	\$1,005.00
7		(initial license)	
8			\$905.00
9		(renewal)	
10	17.	Annual Special Event License.....	\$55.00
11	18.	Quarterly Special Event License.....	\$55.00
12	19.	Hotel Beverage License.....	\$1,005.00
13		(initial license)	
14			\$905.00
15		(renewal)	
16	20.	Airline/Railroad/Commercial Passenger Vessel Beverage	
17		License.....	\$1,005.00
18		(initial license)	
19			\$905.00
20		(renewal)	
21	21.	Agent License.....	\$55.00
22	22.	Employee License.....	\$30.00
23	23.	Industrial License.....	\$23.00
24	24.	Carrier License.....	\$23.00

1	25.	Private Carrier License.....	\$23.00
2	26.	Bonded Warehouse License.....	\$190.00
3	27.	Storage License.....	\$23.00
4	28.	Nonresident Seller License	\$750.00
5	29.	Manufacturer License:	
6	a.	50 cases or less sold in Oklahoma in	
7		last calendar year.....	\$50.00
8	b.	51 to 500 cases sold in Oklahoma in	
9		last calendar year.....	\$75.00
10	c.	501 cases or more sold in Oklahoma in	
11		last calendar year.....	\$150.00
12	30.	Manufacturer's Agent License.....	\$55.00
13	31.	Sacramental Wine Supplier License.....	\$100.00
14	32.	Charitable Auction License.....	\$1.00
15	33.	Charitable Alcoholic Beverage License.....	\$55.00
16	34.	Winemaker Self-Distribution License.....	\$750.00
17	35.	Annual Public Event License.....	\$1,005.00
18	36.	One-Time Public Event License.....	\$255.00
19	37.	Small Brewer Self-Distribution License.....	\$750.00
20	38.	Brewpub License.....	\$1,005.00
21	39.	Brewpub Self-Distribution License.....	\$750.00
22	40.	Complimentary Beverage License.....	\$75.00
23	41.	Satellite Tasting Room License.....	\$100.00
24	42.	<u>Event Venue License.....</u>	<u>\$500.00</u>

1 B. 1. There shall be added to the initial or renewal fees for
2 a ~~Mixed Beverage License~~ mixed beverage license an administrative
3 fee, which shall not be deemed to be a license fee, in the amount of
4 Five Hundred Dollars (\$500.00), which shall be paid at the same time
5 and in the same manner as the license fees prescribed by paragraph
6 12 of subsection A of this section; provided, this fee shall not be
7 assessed against service organizations or fraternal beneficiary
8 societies which are exempt under Section 501(c)(19), (8) or (10) of
9 the Internal Revenue Code.

10 2. There shall be added to the fee for a ~~Mixed Beverage/Caterer~~
11 ~~Combination License~~ mixed beverage/caterer combination license an
12 administrative fee, which shall not be deemed to be a license fee,
13 in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be
14 paid at the same time and in the same manner as the license fee
15 prescribed by paragraph 13 of subsection A of this section.

16 C. Notwithstanding the provisions of subsection A of this
17 section:

18 1. The license fee for a mixed beverage or bottle club license
19 for those service organizations or fraternal beneficiary societies
20 which are exempt under Section 501(c)(19), (8) or (10) of the
21 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
22 year; and
23
24

1 2. The renewal fee for an airline/railroad/commercial passenger
2 vessel beverage license held by a railroad described in 49 U.S.C.,
3 Section 24301, shall be One Hundred Dollars (\$100.00).

4 D. An applicant may apply for and receive both an on-premises
5 beer and wine license and a caterer license.

6 E. All licenses, except as otherwise provided, shall be valid
7 for one (1) year from date of issuance unless revoked or
8 surrendered. Provided, all employee licenses shall be valid for two
9 (2) years.

10 F. The holder of a license, issued by the ABLE Commission, for
11 a bottle club located in a county of this state where the sale of
12 alcoholic beverages by the individual drink for on-premises
13 consumption has been authorized, may exchange the bottle club
14 license for a mixed beverage license or an on-premises beer and wine
15 license and operate the licensed premises as a mixed beverage
16 establishment or an on-premises beer and wine establishment subject
17 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
18 There shall be no additional fee for such exchange and the mixed
19 beverage license or on-premises beer and wine license issued shall
20 expire one (1) year from the date of issuance of the original bottle
21 club license.

22 G. In addition to the applicable licensing fee, the following
23 surcharge shall be assessed annually on the following licenses:

24 1. Nonresident Seller License..... \$2,500.00

1	2. Manufacturer License:	
2	a. 50 cases or less sold in Oklahoma in	
3	last calendar year.....	\$100.00
4	b. 51 to 500 cases sold in Oklahoma in	
5	last calendar year.....	\$225.00
6	c. 501 cases or more sold in Oklahoma in	
7	last calendar year.....	\$450.00
8	3. Wine and Spirits Wholesaler License.....	\$2,500.00
9	4. Beer Distributor.....	\$1,000.00
10	5. Retail Spirits License for cities and towns	
11	over 5,000 population.....	\$250.00
12	6. Retail Spirits License for cities and towns	
13	from 2,501 to 5,000 population.....	\$200.00
14	7. Retail Spirits License for cities and towns	
15	from 200 to 2,500 population.....	\$150.00
16	8. Retail Wine License.....	\$250.00
17	9. Retail Beer License.....	\$250.00
18	10. Mixed Beverage License.....	\$25.00
19	11. Mixed Beverage/Caterer Combination License.....	\$25.00
20	12. Caterer License.....	\$25.00
21	13. On-Premises Beer and Wine License.....	\$25.00
22	14. Annual Public Event License.....	\$25.00
23	15. Small Farm Winery License.....	\$25.00
24	16. Small Brewer License.....	\$35.00

1 17. Complimentary Beverage License..... \$25.00

2 18. Event Venue License..... \$500.00

3 The surcharge shall be paid concurrent with the licensee's
4 annual licensing fee and, in addition to Five Dollars (\$5.00) of the
5 employee license fee, shall be deposited in the Alcoholic Beverage
6 Governance Revolving Fund established pursuant to Section 5-128 of
7 this title.

8 H. Any license issued by the ABLE Commission under this title
9 may be relied upon by other licensees as a valid license, and no
10 other licensee shall have any obligation to independently determine
11 the validity of such license or be held liable solely as a
12 consequence of another licensee's failure to maintain a valid
13 license.

14 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-112, is
15 amended to read as follows:

16 Section 2-112. A caterer license shall authorize the holder
17 thereof to sell mixed beverages for on-premises consumption
18 incidental to the sale or distribution of food at particular
19 functions, occasions or events which are temporary in nature or at
20 event venues. A caterer license shall not be issued in lieu of a
21 mixed beverage license. A caterer license shall only be issued in
22 counties of this state where the sale of alcoholic beverages by the
23 individual drink for on-premises consumption has been authorized. A
24 separate license shall be required for each place of business.

1 SECTION 5. AMENDATORY 37A O.S. 2021, Section 2-113, is
2 amended to read as follows:

3 Section 2-113. A. 1. A caterer license may be issued to any
4 person for the purpose of sale, delivery, or distribution of
5 alcoholic beverages incidental to the sale or distribution of food
6 on a premises not licensed by the ABLE Commission or on the premises
7 of the holder of an event venue license. For purposes of this
8 section, "incidental to the sale or distribution of food" means food
9 sales constituting at least thirty-five percent (35%) of the
10 caterer's total combined annual sales. A caterer license shall not
11 be issued to a person whose main purpose is the sale of alcoholic
12 beverages.

13 2. A caterer license may only be issued to those persons that
14 prepare, sell, and distribute food for consumption either on
15 licensed or unlicensed premises. In order to renew a caterer
16 license, annual food sales must constitute at least thirty-five
17 percent (35%) of the caterer's total combined sales based on the
18 most recent calendar year. A caterer shall not be required to
19 prepare, sell, and distribute food at every catered event as long as
20 the caterer satisfies the requirement set forth in this section.

21 3. Each caterer shall submit an annual sales report containing
22 revenue attributable to alcoholic beverages, food, and all other
23 revenues attributable to the catering service. The annual sales
24 report must be submitted thirty (30) days prior to expiration of the

1 caterer license on forms prescribed by the ABLE Commission. The
2 caterer license may not be renewed if the caterer fails to provide
3 complete or sufficient financial data.

4 4. Each caterer shall submit a monthly event report containing
5 information on all events scheduled for the subsequent month. If an
6 event is scheduled after the first day of the month for an event to
7 occur in the same month, then the caterer shall report that event
8 within twenty-four (24) hours of scheduling the event or within
9 twenty-four (24) hours prior to the event, whichever occurs first.
10 The monthly event report shall be submitted on the first day of each
11 month.

12 5. All reports shall be submitted electronically on forms
13 prescribed by the ABLE Commission. Provided, if the caterer does
14 not have access to the Internet, then monthly reports must be
15 submitted by facsimile to the ABLE Commission's office in Oklahoma
16 City, in which case the caterer must retain a copy of the facsimile
17 confirmation sheet for at least twelve (12) months.

18 6. Any caterer who fails to submit a monthly report shall have
19 the caterer license automatically suspended until such time that the
20 caterer has fully complied with all reporting requirements. Any
21 caterer whose annual food sales do not exceed thirty-five percent
22 (35%) of his or her total annual combined sales shall not have the
23 caterer's license renewed.

24

1 B. The ABLE Commission shall promulgate rules governing the
2 application for and the issuance of caterer licenses.

3 C. The restrictions and rules which apply to the sale of mixed
4 beverages on the premises of a mixed beverage licensee also apply to
5 the sale under the authority of a caterer license. Any act which if
6 done on the premises of a mixed beverage licensee would be a ground
7 for revocation or suspension of the mixed beverage license is a
8 ground for revocation or suspension of a caterer license.

9 D. If the premises where the event being catered is held are
10 already operating pursuant to another type of license issued by the
11 ABLE Commission, the caterer and the other licensee shall both be
12 responsible for the actions of the caterer and shall both be subject
13 to penalties for violations by the caterer of the Oklahoma Alcoholic
14 Beverage Control Act and any rules promulgated thereto. This
15 subsection, subsection D, shall not apply to a holder of an "event
16 venue" license.

17 E. A caterer licensee may not store alcoholic beverages unless
18 the licensee has a storage license issued by the ABLE Commission. A
19 caterer licensee selling beer and cider to consumers shall only
20 purchase such beer and cider from the distributor or wholesaler
21 within the county in which the licensee will be selling the beer and
22 cider to consumers.

23
24

1 F. A caterer may provide alcoholic beverage sales on the
2 premises of a person currently applying for a mixed beverage
3 license, provided the following terms have been satisfied:

4 1. The caterer shall take reasonable steps to ensure that the
5 mixed beverage applicant uses only licensed employees to perform
6 licensable activities while using the caterer's license. The
7 caterer shall use his or her best efforts to attempt to have a
8 licensed employee on-site supervising the sale of such caterer's
9 alcoholic beverages at all times, but the caterer shall not be
10 disciplined for failing to have a licensed employee on-site. The
11 caterer expressly acknowledges that he or she is liable for all
12 violations of the Oklahoma Alcoholic Beverage Control Act and rules
13 of the ABLE Commission that are committed by the mixed beverage
14 applicant and its employees during this period;

15 2. The caterer and mixed beverage applicant must submit to the
16 ABLE Commission a written agreement setting forth all the terms of
17 the catering agreement at least twenty-four (24) hours prior to the
18 commencement of the catered event; and

19 3. The caterer may not provide alcoholic beverage sales on the
20 unlicensed premises of the mixed beverage applicant for more than
21 sixty (60) days, or after the applicant's license has been denied,
22 whichever occurs first.

23 G. A caterer or a licensed bartender shall not sell or
24 distribute alcoholic beverages on the premises of an event venue as

1 defined in Section 1-103 of this title unless the event venue holds
2 an event venue license pursuant to Section 6 of this act or is not
3 required to hold an event venue license under the act.

4 A caterer may provide alcoholic beverage services for temporary
5 public events which have been licensed and approved by the ABLE
6 Commission.

7 H. A caterer may provide alcoholic beverage services for a
8 mixed beverage licensee which holds a live performing arts
9 presentation and is open to the public not more than one hundred
10 twenty (120) days per year.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
13 is created a duplication in numbering, reads as follows:

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

18 B. An event venue, as defined in Section 1-103 of Title 37A of
19 the Oklahoma Statutes, (i) which does not permit alcoholic beverages
20 on its premises, (ii) which already holds a mixed beverage license,
21 on-premises beer and wine license, small brewer license, brewpub
22 license, winemaker license, small farm winery license, (iii) which
23 is the site of an event for the holder of a public event, special
24 event, charitable event license, or (iv) has a contract with a

1 caterer or caterers that are already holders of a mixed
2 beverage/caterer combination license, shall not be required to
3 obtain an event venue license and shall not be subject to this
4 section.

5 C. Event venues shall:

6 1. Allow patrons or guests who become intoxicated or otherwise
7 impaired, to leave their vehicle for a reasonable amount of time,
8 including overnight, if necessary. This shall only be required if
9 an event venue premises include a parking lot. Event venues may
10 implement parking policies to accommodate the specific needs of
11 their venue.

12 2. Provide security for events where alcohol will be available
13 for service and consumption by event patrons at event venue licensee
14 premises with fifty (50) or more patrons in attendance and the
15 dedicated security personnel shall be present on the event venue
16 licensee premises during all alcohol service times.

17 Any security personnel required under this section shall be a
18 commissioned law enforcement officer or former officer from a local
19 city, town or municipal law enforcement agency or other CLEET
20 certified personnel. Security shall enforce the provisions of this
21 section and all ABLE Commission rules that apply to this license.
22 Security services may be contracted or retained by the event venue
23 or by the client/renter of the venue directly. Security personnel
24 need not be present during any time period when alcohol is not being

1 served to event patrons. Event venues may implement additional
2 rules for security, but such rules shall not be less restrictive
3 than this security section.

4 3. When serving alcoholic beverages:

- 5 a. be served by an insured, ABLE-licensed bartender or
6 caterer, who meets the minimum standards of training
7 as required by the Oklahoma Administrative Code
8 Section 45:15-3-2 for events with more than fifty (50)
9 patrons,
- 10 b. a bartender or caterer shall check the identification
11 of every person who is served an alcoholic beverage
12 during an event to ensure the person being served is
13 at least twenty-one (21) years of age,
- 14 c. Any alcohol that is unopened, unmixed, or otherwise
15 not served during an event, must be secured in the
16 Alcohol Storage Area, until it can be transported off
17 the event premises by the event bartender, caterer or
18 other ABLE-licensed person, or transferred to a
19 contact person designated by the clients or renters.
20 This storage and transfer requirement is subject to
21 the needs and circumstances of each event venue as set
22 forth in paragraph 2 of this subsection,
- 23 d. allowance may be made by a licensed event venue for
24 limited alcohol consumption by a wedding party and

1 family, for toasts or other similar activities that
2 occur prior to the time the bartender or caterer is
3 present on the premises. Any person who consumes
4 alcohol under this provision must remain on the venue
5 premises and not operate a motor vehicle for a
6 reasonable length of time sufficient to ensure the
7 person is not intoxicated,

8 e. only two (2) alcoholic beverages may be served to an
9 individual at one time,

10 f. shall not permit or allow any event patron to exit the
11 licensed premises with an open container of any
12 alcoholic beverage,

13 g. may create, require, and enforce additional rules
14 pertaining to the presence, service, and consumption
15 of alcohol for events, but such rules shall not be
16 less restrictive than these provisions.

17 Events with fifty (50) or fewer patrons are exempt from
18 subparagraphs a and b of this paragraph.

19 5. Ensure that all clients or renters purchase and provide
20 proof of event liability insurance for events where alcohol service
21 and consumption will occur with fewer than fifty (50) attendees.

22 6. Display all licenses issued by the ABLE Commission in a
23 conspicuous place at all times on the licensed premises.
24

1 F. The ABLE Commission shall promulgate administrative rules
2 necessary for the implementation of this section.

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