

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2354

By: Dempsey

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Section 2-105, which relates to winemaking
9 self-distribution license; modifying requirements and
10 procedure for a winemaker or small farm winery
11 licensee to distribute wine; and providing an
12 effective date.

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

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

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

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

23 2. If such a winemaker elects to do so, to sell and deliver its
24 wines directly to licensed retail package stores, mixed beverage

1 licensees, beer and wine licensees, and restaurants in this state in
2 full case lots only, and in accordance with the provisions of the
3 Oklahoma Alcoholic Beverage Control Act and such rules as the ABLE
4 Commission shall promulgate.

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

11 1. ~~Any such winemaker which elects to directly sell its wine to~~
12 ~~package stores, mixed beverage licensees, beer and wine licensees,~~
13 ~~and restaurants shall not also use a licensed wholesale distributor~~
14 ~~as a means of distribution, and shall be required to sell its wines~~
15 ~~to every package store, mixed beverage licensee, beer and wine~~
16 ~~licensee, and restaurant licensee who desires to purchase the same,~~
17 ~~on the same price basis and without discrimination; may distribute~~
18 wine produced only by such licensee to a holder of a retail beer
19 license, retail spirits license, mixed beverage license, beer and
20 wine license, caterer's license, special event license, public event
21 license, charitable auction license, or brewpub license. A
22 Winemaker or Small Farm Winery licensee shall elect whether it will
23 distribute through a distributor or self-distribute in a subject
24 territory; however, a Winemaker or Small Farm Winery may not elect

1 to do both simultaneously in a subject territory. The election
2 shall be made through notice to the ABLE Commission. Any changes to
3 the election shall require immediate notification to the ABLE
4 Commission before the change in election will take effect.

5 ~~2.~~ If a winemaker or winery sells directly to a retail package
6 store, mixed beverage licensee, beer and wine licensee or
7 restaurant, the winemaker shall transport the wine from the
8 winemaker's winery to the premises where the wine is to be delivered
9 only in vehicles owned or leased by the winemaker and not by common
10 or private contract carrier and shall obtain all necessary permits
11 as required by the Oklahoma Alcoholic Beverage Control Act, ~~and.~~

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

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