

1 ENGROSSED SENATE  
2 BILL NO. 1046

3 By: Coleman of the Senate

4 and

5 Lawson of the House

6 [ alcoholic beverages - license fees and curbside  
7 pickup and delivery - license - limits - requirements  
- exceptions - enforcement - violations - notice -  
8 rules - protections - responsibilities - privileges -  
pricing - codification - effective date ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-101, as  
12 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,  
13 Section 2-101), is amended to read as follows:

14 Section 2-101. A. Except as otherwise provided in this  
15 section, the licenses issued by the ABLE Alcoholic Beverage Laws  
16 Enforcement (ABLE) Commission, and the annual fees therefor, shall  
17 be as follows:

- 18
- |                                   |            |
|-----------------------------------|------------|
| 1. Brewer License.....            | \$1,250.00 |
| 2. Small Brewer License.....      | \$125.00   |
| 3. Distiller License.....         | \$3,125.00 |
| 4. Winemaker License.....         | \$625.00   |
| 5. Small Farm Winery License..... | \$75.00    |
| 6. Rectifier License.....         | \$3,125.00 |

7.	Wine and Spirits Wholesaler License.....	\$3,000.00
8.	Beer Distributor License.....	\$750.00
9.	The following retail spirits license fees shall be determined by the latest Federal Decennial Census:	
a.	Retail Spirits License for cities and towns from 200 to 2,500 population.....	\$305.00
b.	Retail Spirits License for cities and towns from 2,501 to 5,000 population.....	\$605.00
c.	Retail Spirits License for cities and towns over 5,000 population.....	\$905.00
10.	Retail Wine License.....	\$1,000.00
11.	Retail Beer License.....	\$500.00
12.	Mixed Beverage License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14.	On-Premises Beer and Wine License.....	\$500.00
	(initial license)	
		\$450.00
	(renewal)	
15.	<del>Bottle Club License.....</del>	\$1,000.00
	(initial license)	

1		\$900.00
2		(renewal)
3	16. Caterer License.....	\$1,005.00
4		(initial license)
5		\$905.00
6		(renewal)
7	17. <u>16.</u> Annual Special Event License.....	\$55.00
8	18. <u>17.</u> Quarterly Special Event License.....	\$55.00
9	19. <u>18.</u> Hotel Beverage License.....	\$1,005.00
10		(initial license)
11		\$905.00
12		(renewal)
13	20. <u>19.</u> Airline/Railroad/Commercial Passenger Vessel Beverage	
14	License.....	\$1,005.00
15		(initial license)
16		\$905.00
17		(renewal)
18	21. <u>20.</u> Agent License.....	\$55.00
19	22. <u>21.</u> Employee License.....	\$30.00
20	23. <u>22.</u> Industrial License.....	\$23.00
21	24. <u>23.</u> Carrier License.....	\$23.00
22	25. <u>24.</u> Private Carrier License.....	\$23.00
23	26. <u>25.</u> Bonded Warehouse License.....	\$190.00
24	27. <u>26.</u> Storage License.....	\$23.00

1	<u>28.</u>	<u>27.</u>	Nonresident Seller License .....	\$750.00
2	<u>29.</u>	<u>28.</u>	Manufacturer License:	
3	a.	50 cases or less sold in Oklahoma in last calendar year.....	\$50.00	
4	b.	51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00	
5	c.	501 cases or more sold in Oklahoma in last calendar year.....	\$150.00	
6	<u>30.</u>	<u>29.</u>	Manufacturer's Agent License.....	\$55.00
7	<u>31.</u>	<u>30.</u>	Sacramental Wine Supplier License.....	\$100.00
8	<u>32.</u>	<u>31.</u>	Charitable Auction License.....	\$1.00
9	<u>33.</u>	<u>32.</u>	Charitable Alcoholic Beverage License.....	\$55.00
10	<u>34.</u>	<u>33.</u>	Winemaker Self-Distribution License:	
11	a.	produced ten thousand (10,000) gallons or less in last calendar year.....	\$350.00	
12	b.	produced more than ten thousand (10,000) gallons but no more than fifteen thousand (15,000) gallons in last calendar year.....	\$750.00	
13	<u>35.</u>	<u>34.</u>	Annual Public Event License.....	\$1,005.00
14	<u>36.</u>	<u>35.</u>	One-Time Public Event License.....	\$255.00
15	<u>37.</u>	<u>36.</u>	Small Brewer Self-Distribution License:	
16	a.	produced fifteen thousand (15,000) barrels or less in last calendar year.....	\$350.00	

b. produced more than fifteen thousand  
(15,000) barrels in last calendar year..... \$750.00

38. 37. Brewpub License..... \$1,005.00

39. 38. Brewpub Self-Distribution License..... \$750.00

40. 39. Complimentary Beverage License..... \$75.00

41. 40. Satellite Tasting Room License..... \$100.00

41. Delivery Service License..... \$10,000.00

42. Delivery Driver License..... \$30.00

9       B. 1. There shall be added to the initial or renewal fees for  
10 a mixed beverage license an administrative fee, which shall not be  
11 deemed to be a license fee, in the amount of Five Hundred Dollars  
12 (\$500.00), which shall be paid at the same time and in the same  
13 manner as the license fees prescribed by paragraph 12 of subsection  
14 A of this section; provided, this fee shall not be assessed against  
15 service organizations or fraternal beneficiary societies which are  
16 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue  
17 Code of 1986, as amended.

18       2. There shall be added to the fee for a mixed beverage/caterer  
19 combination license an administrative fee, which shall not be deemed  
20 to be a license fee, in the amount of Two Hundred Fifty Dollars  
21 (\$250.00), which shall be paid at the same time and in the same  
22 manner as the license fee prescribed by paragraph 13 of subsection A  
23 of this section.

1       C. Notwithstanding the provisions of subsection A of this  
2 section:

3       1. The license fee for a mixed beverage or bottle club license  
4 for those service organizations or fraternal beneficiary societies  
5 which are exempt under Section 501(c)(19), (8) or (10) of the  
6 Internal Revenue Code of 1986, as amended, shall be Five Hundred  
7 Dollars (\$500.00) per year; and

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

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

13      E. All licenses, except as otherwise provided, shall be valid  
14 for one (1) year from date of issuance unless revoked or  
15 surrendered. Provided, all employee licenses and delivery driver  
16 licenses shall be valid for two (2) years.

17      F. The holder of a license, issued by the ABLE Commission, for  
18 a bottle club located in a county of this state where the sale of  
19 alcoholic beverages by the individual drink for on-premises  
20 consumption has been authorized, may exchange the bottle club  
21 license for a mixed beverage license or an on-premises beer and wine  
22 license and operate the licensed premises as a mixed beverage  
23 establishment or an on-premises beer and wine establishment subject  
24 to the provisions of the Oklahoma Alcoholic Beverage Control Act.

1 There shall be no additional fee for such exchange and the mixed  
2 beverage license or on-premises beer and wine license issued shall  
3 expire one (1) year from the date of issuance of the original bottle  
4 club license.

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

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

8 2. Manufacturer License:

9 a. 50 cases or less sold in Oklahoma in  
10 last calendar year..... \$100.00

11 b. 51 to 500 cases sold in Oklahoma in  
12 last calendar year..... \$225.00

13 c. 501 cases or more sold in Oklahoma in  
14 last calendar year..... \$450.00

15 3. Wine and Spirits Wholesaler License..... \$2,500.00

16 4. Beer Distributor..... \$1,000.00

17 5. Retail Spirits License for cities and towns  
18 over 5,000 population..... \$250.00

19 6. Retail Spirits License for cities and towns  
20 from 2,501 to 5,000 population..... \$200.00

21 7. Retail Spirits License for cities and towns  
22 from 200 to 2,500 population..... \$150.00

23 8. Retail Wine License..... \$250.00

24 9. Retail Beer License..... \$250.00

1           10. Mixed Beverage License..... \$25.00  
2           11. Mixed Beverage/Caterer Combination License..... \$25.00  
3           12. Caterer License..... \$25.00  
4           13. On-Premises Beer and Wine License..... \$25.00  
5           14. Annual Public Event License..... \$25.00  
6           15. Small Farm Winery License..... \$25.00  
7           16. Small Brewer License..... \$35.00  
8           17. Complimentary Beverage License..... \$25.00

9           The surcharge shall be paid concurrent with the licensee's

10 annual licensing fee and, in addition to Five Dollars (\$5.00) of the  
11 employee license fee and Thirty Dollars (\$30.00) of the delivery  
12 driver license fee, shall be deposited in the Alcoholic Beverage  
13 Governance Revolving Fund established pursuant to Section 5-128 of  
14 this title.

15           H. Any license issued by the ABLE Commission under this title  
16 may be relied upon by other licensees as a valid license, and no  
17 other licensee shall have any obligation to independently determine  
18 the validity of such license or be held liable solely as a  
19 consequence of another licensee's failure to maintain a valid  
20 license.

21           SECTION 2.       AMENDATORY       37A O.S. 2021, Section 2-161, is  
22 amended to read as follows:

23           Section 2-161. A. Retail spirit licensees may sell curbside  
24 and deliver alcoholic beverages including beer, wine, and spirits in

1 sealed original containers to consumers aged twenty-one (21) years  
2 and older as follows:

3       1. ~~only employees~~ Employees of the retail spirit licensee shall  
4 be permitted to make alcoholic beverage product deliveries,  
5 including curbside, to consumers. Employees licensed as delivery  
6 drivers and independent contractors of delivery service licensees  
7 shall be permitted to make alcoholic beverage product deliveries,  
8 including curbside, to consumers on behalf of a retail spirit  
9 licensee;

10      2. Payment for alcoholic beverage product delivery by the  
11 retail spirit licensee may be made by cash, check, transportable  
12 credit/debit card processors or advance ~~on-line~~ online payment  
13 methods; and

14      3. The retail spirit licensee shall be responsible for his or  
15 her delivery employees as provided in Section 2-133 of ~~Title 37A of~~  
16 ~~the Oklahoma Statutes this title.~~ An action by a delivery service  
17 licensee or by a delivery driver of a delivery service licensee  
18 shall not be attributable to the retail spirit licensee with regard  
19 to:

- 20       a. providing, selling, or serving alcohol to a minor or  
21           to an intoxicated individual,  
22       b. the delivery of alcohol in a dry or otherwise illegal  
23           area, unless the retailer has contractually agreed to

1                   retain responsibility for ensuring that deliveries are  
2                   not directed to a dry or otherwise illegal area, or  
3                   c. any other provision of this title; and  
4                   4. A retail spirit licensee's responsibility under this title  
5                   regarding delivery of alcoholic beverage products to a consumer  
6                   shall be considered satisfied at the moment the retailer transfers  
7                   possession of an alcoholic beverage product to the delivery service  
8                   licensee or the delivery driver of a delivery service licensee.

9                   B. Small brewers and small farm wineries licensed by the  
10                  Oklahoma ABLE Alcoholic Beverage Laws Enforcement (ABLE) Commission  
11                  may sell curbside only alcoholic beverages produced by such licensee  
12                  in sealed original containers to consumers aged twenty-one (21)  
13                  years and older as follows:

14                  1. Only employees of the licensed small brewer or small farm  
15                  winery shall be permitted to make alcoholic beverage product  
16                  deliveries to consumers;

17                  2. Payment for alcoholic beverage product delivery by licensed  
18                  small brewers or small farm wineries may be made by cash, check,  
19                  transportable credit/debit card processors, or advance ~~on-line~~  
20                  ~~online~~ payment methods; and

21                  3. Small brewers and small farm wineries shall be responsible  
22                  for their delivery employees as provided in Section 2-133 of ~~Title~~  
23                  ~~37A of the Oklahoma Statutes~~ this title.

1       C. Restaurants, bars and clubs holding mixed beverage, beer and  
2 wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE  
3 Commission may sell curbside and deliver only closed packages of  
4 beer and wine to consumers aged twenty-one (21) years and older as  
5 follows:

6       1. ~~only employees~~ Employees of such restaurant, bar or club  
7 licensee shall be permitted to make alcoholic beverage ~~package~~  
8 product deliveries, including curbside, to consumers. ~~Employees~~  
9 licensed as delivery drivers and independent contractors of delivery  
10 service licensees shall be permitted to make alcoholic beverage  
11 product deliveries, including curbside, to consumers on behalf of a  
12 restaurant, bar, or club licensee;

13       2. Payment for alcoholic beverage ~~package~~ product delivery by  
14 licensed restaurants, bars and clubs may be made by cash, check,  
15 transportable credit/debit card processors, or advance ~~on-line~~  
16 online payment methods; and

17       3. Restaurants, bars and clubs licensed by the Oklahoma ABLE  
18 Commission shall be responsible for their delivery employees as  
19 provided in Section 2-133 of Title 37A of the Oklahoma Statutes this  
20 title. An action by a delivery service licensee or a delivery  
21 driver of a delivery service licensee is not attributable to the  
22 restaurant, bar, or club with regard to:

23           a. providing, selling, or serving alcohol to a minor or  
24 to an intoxicated individual,

1           b. the delivery of alcohol in a dry or otherwise illegal  
2           area, unless the retailer has contractually agreed to  
3           retain responsibility for ensuring that deliveries are  
4           not directed to a dry or otherwise illegal area, or  
5           c. any other provision of this title; and

6       4. A restaurant, bar, or club licensee's responsibility under  
7       this title regarding delivery of an alcoholic beverage product to a  
8       consumer shall be considered satisfied at the moment the retailer  
9       transfers possession of an alcoholic beverage product to the  
10      delivery service licensee or the delivery driver of a delivery  
11      service licensee.

12       D. Grocery and convenience stores holding a retail beer and/or  
13       retail wine license issued by the Oklahoma ABLE Commission may sell  
14       curbside and deliver original sealed containers of beer and/or wine  
15       only according to the license held to consumers aged twenty-one (21)  
16       years and older as follows:

17       1. Only employees Employees of such licensed grocery or  
18       convenience store shall be permitted to make alcoholic beverage  
19       product deliveries, including curbside, to consumers. Employees  
20       licensed as delivery drivers and independent contractors of delivery  
21       service licensees shall be permitted to make alcoholic beverage  
22       product deliveries, including curbside, to consumers on behalf of a  
23       grocery or convenience store licensee;

1       2. Payment for alcoholic beverage product delivery by a  
2 licensed grocery or convenience store may be made by cash, check,  
3 transportable credit/debit card processors or advance ~~on-line~~ online  
4 payment methods; and

5       3. Grocery and convenience store licensees shall be responsible  
6 for their delivery employees as provided in Section 2-133 of ~~Title~~  
7 ~~37A of the Oklahoma Statutes~~ this title. An action by a delivery  
8 service licensee or a delivery driver of a delivery service licensee  
9 shall not be attributable to the grocery or convenience store

10 licensee with regard to:

- 11       a. providing, selling, or serving alcohol to a minor or  
12           to an intoxicated individual,
- 13       b. the delivery of alcohol in a dry or otherwise illegal  
14           area, unless the retailer has contractually agreed to  
15           retain responsibility for ensuring that deliveries are  
16           not directed to a dry or otherwise illegal area, or
- 17       c. any other provision of this title; and

18       4. A grocery or convenience store licensee's responsibility  
19 under this title regarding delivery of an alcoholic beverage product  
20 to a consumer shall be considered satisfied at the moment the  
21 retailer transfers possession of an alcoholic beverage product to  
22 the delivery service licensee or the delivery driver of a delivery  
23 service licensee.

1       E. Licensees authorized by this section to make alcoholic  
2       beverage product deliveries to consumers are prohibited from  
3       utilizing third party vendors or delivery services for purposes of  
4       completing such product deliveries to consumers.

5       F. Licensees authorized by this section to make alcoholic  
6       beverage product deliveries to consumers shall comply with the laws,  
7       rules, procedures and executive orders incumbent on such licensee.

8       G. F. The Oklahoma ABLE Commission is authorized to promulgate  
9       rules, regulations, forms and procedures necessary to implement and  
10      enforce the provisions of this section.

11      H. G. For purposes of this section each delivery authorized by  
12      a licensee to be made by his or her employee shall be deemed a  
13      direct hand-to-hand sale as though the consumer was physically  
14      present on the licensed premises and authorized by law by such  
15      licensee.

16      H. Notwithstanding any law or rule to the contrary, a delivery  
17      service licensee or a delivery driver of a delivery service  
18      licensee, in accordance with Section 3 of this act, may transport  
19      and deliver alcoholic beverage products, including curbside, from a  
20      retailer or a restaurant, bar, or club holding a mixed beverage,  
21      beer and wine, or caterer/mixed beverage license, or a grocery or  
22      convenience store holding a retail beer or retail wine license, to a  
23      consumer twenty-one (21) years of age or older for the consumer's  
24      personal use and not for resale.

1       I. Employees licensed as delivery drivers and independent  
2       contractors of delivery service licensees of licensed grocery stores  
3       or convenience stores shall be permitted to make alcoholic beverage  
4       product deliveries to a consumer twenty-one (21) years of age or  
5       older for the consumer's personal use and not for resale.

6       J. A delivery service licensee or a delivery driver of a  
7       delivery service licensee who is authorized by law and by  
8       contractual agreement with a retailer or a restaurant, bar, or club  
9       holding a mixed beverage, beer and wine, or caterer/mixed beverage  
10      license to deliver alcoholic beverage products to a consumer shall be  
11      liable for violations of alcoholic beverage laws or administrative  
12      rules of the ABLE Commission, affecting his or her license privilege  
13      to deliver alcoholic beverage products to consumers.

14      K. A retailer or a restaurant, bar, or club holding a mixed  
15      beverage, beer and wine, caterer/mixed beverage, or grocery or  
16      convenience store licensee:

17      1. Is not required to verify that the delivery service licensee  
18      or the delivery driver of a delivery service licensee has received  
19      delivery driver training or a delivery driver license under this act;  
20      and

21      2. Shall not be liable for any reason under this title or  
22      statutory or common law for the actions of a delivery service  
23      licensee or a delivery driver of a delivery service licensee.

24      L. Notwithstanding any law or rule to the contrary:

1       1. Pricing for alcoholic beverage products delivered in  
2       accordance with this act shall meet the minimum markup requirements  
3       in accordance with Section 3-118 of this title, prior to any  
4       additional charges or delivery or service fees;

5       2. All sales of alcoholic beverage products shall be delivered  
6       and sold in accordance with Section 6-103 of this title;

7       3. Delivered alcoholic beverage products shall not be discounted  
8       below the price in the retailer's licensed premises; and

9       4. Delivery service licensees shall be prohibited from  
10      discriminating between any retailers or groups of retailers in  
11      advertising, fees, and costs of online search results.

12      M. 1. In any county with a population of sixty-five thousand  
13      (65,000) or less according to the most recent Federal Decennial  
14      Census, any delivery service licensee or delivery driver of a  
15      delivery service licensee engaged in an authorized delivery shall  
16      only do so within fifteen (15) miles from the location of the  
17      licensed premises of the retailer.

18      2. In any county with a population greater than sixty-five  
19      thousand (65,000) according to the most recent Federal Decennial  
20      Census, any delivery service licensee or delivery driver of a deliver  
21      service licensee engaged in an authorized delivery shall only do so  
22      within five (5) miles from the location of the licensed premises of  
23      the retailer.

24      N. A delivery service licensee shall not:

1       1. Have any ownership interest in a wine and spirits wholesaler  
2       license, a beer distributor license, or any manufacturer license  
3       under this title;

4       2. Have any ownership interest in a brewer license, small brewer  
5       license, distiller license, winemaker license, small farm winery  
6       license, rectifier license, or nonresident seller license; or

7       3. Engage in central warehousing.

8       O. Any delivery of alcoholic beverage products conducted by a  
9       delivery service licensee or by a delivery driver of a delivery  
10      service licensee shall only be done from the premises of the retail  
11      licensee.

12      SECTION 3.       NEW LAW       A new section of law to be codified  
13      in the Oklahoma Statutes as Section 2-161.1 of Title 37A, unless  
14      there is created a duplication in numbering, reads as follows:

15      A. For the purposes of this section, "retail licensee" or  
16      "retailer" means a retailer or a restaurant, bar, or club holding a  
17      mixed beverage, beer and wine, or caterer/mixed beverage license, or  
18      a grocery or convenience store holding a retail beer or retail wine  
19      license.

20      B. Any individual, limited liability company, corporation, or  
21      partnership that is registered to do business in this state,  
22      regardless of the residency of the ownership of the entity, may  
23      apply for and be issued a delivery service license that authorizes  
24      the licensee to deliver alcoholic beverages from a retailer licensed

1 by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell  
2 alcoholic beverage products to any person in this state who is  
3 twenty-one (21) years of age or older for the individual's personal  
4 use and not for resale.

5 C. To receive a delivery service license, an applicant shall:

6 1. File an application with the ABLE Commission;

7 2. Provide to the ABLE Commission a sample contract that the  
8 applicant intends to enter into with a retail licensee for the  
9 delivery of alcoholic beverage products, unless the applicant is the  
10 holder of a retail license or operates under the same parent company  
11 as the retail license holder;

12 3. Submit to the ABLE Commission an outline of internal or  
13 external training for delivery driver licensees that addresses  
14 topics including, but not limited to, identifying underage persons,  
15 intoxicated persons, and fake or altered identification;

16 4. Provide an attestation that the applicant is twenty-one (21)  
17 years of age or older and has not been convicted of a felony in any  
18 state or federal court;

19 5. Provide proof of a general liability insurance policy in an  
20 amount not less than One Million Dollars (\$1,000,000.00) per  
21 occurrence; and

22 6. Be properly registered to conduct business in this state.

23 D. A delivery service licensee:

- 1       1. May contract with any retail licensee for the purpose of  
2 delivering alcoholic beverage products;
- 3           2. May use its own delivery driver licensees who are twenty-one  
4 (21) years of age and older to deliver such alcoholic beverage  
5 products, provided such delivery drivers have a valid delivery  
6 driver license, and shall not have been convicted of any criminal  
7 offense related to alcoholic beverages. The delivery service  
8 licensee shall complete a criminal history record check on each  
9 delivery driver licensee who delivers alcoholic beverage products,  
10 and shall submit to the ABLE Commission an outline of internal or  
11 external training for delivery driver licensees, provided that such  
12 training is approved by the ABLE Commission;
- 13          3. May facilitate orders by telephone, Internet, or other  
14 electronic means for the sale and delivery of alcoholic beverage  
15 products. If payment is not received at the time of the order, the  
16 delivery service licensee may act as an agent of the retail licensee  
17 in the collection of payment from the sale of alcoholic beverage  
18 products, but the full amount of each order must be handled in a  
19 manner that gives the retail licensee control over the ultimate  
20 receipt of the payment from the consumer with the retail licensee  
21 operating as the merchant of record. The retail licensee shall  
22 remain responsible for the proper remittance of all applicable taxes  
23 on the sale of the product;

1       4. Shall deliver only sealed containers of alcoholic beverage  
2 products;

3       5. Shall obtain from the consumer a confirmation that he or she  
4 is twenty-one (21) years of age or older at the time the order is  
5 placed;

6       6. Shall require the recipient, at the time of delivery, to  
7 provide valid photo identification verifying that he or she is  
8 twenty-one (21) years of age or older, and sign for the delivery;

9       7. Shall possess identification scanning software technology or  
10 a state-of-the-art alternative at the point of delivery to  
11 authenticate that the recipient is twenty-one (21) years of age or  
12 older, and collect the recipient's name and date of birth;

13       8. Shall return all alcoholic beverage products to the retail  
14 licensee if the recipient is under twenty-one (21) years of age,  
15 appears intoxicated, fails to provide proof of identification, fails  
16 or refuses to sign for delivery, fails to complete the  
17 identification verification process, declines to accept the delivery  
18 of an alcoholic beverage product, or if any circumstances in the  
19 delivery environment indicate illegal conduct, overconsumption, or  
20 any otherwise unsafe environment for the consumption of alcohol.

21 Such return shall occur on the same business day;

22       9. May not deliver any alcoholic beverage product to any person  
23 located within a dry jurisdiction in this state;

1       10. Shall pick up alcoholic beverage products for delivery only  
2       during lawful sales hours in that jurisdiction for the retail  
3       licensee, provided that orders may be delivered and completed on the  
4       same day or within a reasonable time thereafter. No order shall be  
5       picked up by a delivery driver licensee after 11:00 p.m. to ensure  
6       delivery no later than midnight;

7       11. Shall permit the ABLE Commission to perform an audit of the  
8       delivery driver or delivery service licensee's records upon request  
9       and with sufficient notification;

10      12. Shall be deemed to have consented to the jurisdiction of  
11       the ABLE Commission and the courts of this state pursuant to this  
12       section and any related laws or rules; and

13      13. Shall be responsible for delivery of alcoholic beverage  
14       products pursuant to this act.

15       E. A delivery service licensee may renew his or her license  
16       with the ABLE Commission by maintaining all qualifications, paying  
17       annually a renewal fee of Ten Thousand Dollars (\$10,000.00), and  
18       providing the ABLE Commission with a copy of the current license.  
19       The annual fee for delivery service licensees shall be collected by  
20       the ABLE Commission for deposit and credit to the General Revenue  
21       Fund of this state.

22       F. 1. A delivery service licensee shall be authorized to  
23       charge the consumer a delivery fee but shall not charge, add on, or  
24       collect any portion of the amount of the retail sales price for the

1      alcoholic beverage product from the retail licensee. A delivery  
2      driver or delivery service licensee shall not engage in the free  
3      delivery of alcoholic beverage products. Alcoholic beverage  
4      products may not be delivered under any subscription delivery plan.  
5      Any order containing alcoholic beverage products shall have an  
6      independent delivery fee of Fifteen Dollars (\$15.00) or fifteen  
7      percent (15%), whichever is greater, of the alcoholic beverage  
8      product subtotal separate and exclusive from nonalcoholic beverage  
9      product items in the delivery.

10        2. A fee shall be remitted to the ABLE Commission of One Dollar  
11        (\$1.00) for each delivery performed by a delivery driver or delivery  
12        service licensee to be apportioned as follows:

13            a. fifty cents (\$0.50) shall be deposited into the  
14                Alcoholic Beverage Governance Revolving Fund for the  
15                purpose of funding an ABLE Commission division with  
16                the sole purpose of enforcing trade practice  
17                violations, and

18            b. fifty cents (\$0.50) shall be deposited in the general  
19                fund to be used specifically for the treatment of  
20                alcoholic abuse by the Department of Mental Health and  
21                Substance Abuse Services.

22        G. Nothing in this act shall be construed to require a  
23        technology services company to obtain a delivery service license if  
24        the company does not employ or contract with delivery driver or

1 delivery service licensees, and solely provides software or a  
2 digital network application that connects consumers and retailer  
3 licensees for the delivery of alcoholic beverage products from the  
4 retail licensee. However, the act of connecting consumers to  
5 delivery driver and delivery service licensees shall serve to grant  
6 jurisdiction to this state.

7 H. The ABLE Commission shall enforce the requirements of this  
8 section by the same administrative proceedings that apply to all  
9 other alcoholic beverage licensees.

10 I. The ABLE Commission shall enforce the requirements of this  
11 section against any delivery driver or delivery service licensee.  
12 Delivery to a minor shall be treated as furnishing alcohol to a  
13 minor and shall result in any applicable disciplinary action. The  
14 retail licensee shall not be held liable for violations that occur  
15 after transferring possession of the alcoholic beverage product to  
16 the delivery driver or delivery service licensee.

17 J. Nothing in this act shall be construed to authorize the  
18 direct shipment of alcohol, liquor, wine, or beer from any  
19 manufacturer.

20 K. No person shall use a license or exercise any privileges  
21 granted by the license except pursuant to this act.

22 L. No alcoholic beverage products shall be delivered to or left  
23 unattended at a resident or business address except for the delivery

24

1 of such alcoholic beverage products in person to the purchaser  
2 confirmed to be twenty-one (21) years of age or older.

3 M. The ABLE Commission shall be authorized to promulgate rules,  
4 regulations, forms, and procedures necessary to implement and  
5 enforce the provisions of this section.

6 N. Each delivery authorized by a delivery driver or delivery  
7 service licensee to be made to a consumer shall be deemed a direct  
8 hand-to-hand sale as though the consumer was physically present on  
9 the licensed premises and authorized by such license.

10 O. Nothing in this section shall authorize a retail licensee to  
11 engage in central warehousing of alcoholic beverage products, nor  
12 shall it allow a delivery service licensee to purchase from a  
13 licensed wholesaler or nonresident seller for resale.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2-161.2 of Title 37A, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. For the purposes of this section, "retail licensee" or  
18 "retailer" means a retailer or a restaurant, bar, or club holding a  
19 mixed beverage, beer and wine, or caterer/mixed beverage license, or  
20 a grocery or convenience store holding a retail beer or retail wine  
21 license.

22 B. A delivery driver or delivery service license shall  
23 authorize the delivery of alcoholic beverage products to a consumer  
24 for personal use and not for resale pursuant to this act.

1       C. Applicants for a delivery driver license shall be twenty-one  
2 (21) years of age or older. As a prerequisite to the issuance of a  
3 delivery driver license, not later than fourteen (14) days after  
4 initial licensure, a first-time applicant shall be required to have  
5 successfully completed a training program conducted by the ABLE  
6 Commission, or by another entity approved by the Commission  
7 including, but not limited to, an in-house training program  
8 conducted by the delivery service licensee. Proof of training  
9 completion shall be made available by the delivery service licensee  
10 or the delivery driver licensee for inspection by the ABLE  
11 Commission. The failure of a delivery driver licensee to comply  
12 with this section may constitute a revocable offense.

13       D. In the event the ABLE Commission denies an application for a  
14 delivery driver license, the ABLE Commission shall provide written  
15 notice to the licensee or licensees the applicant provides delivery  
16 services for, if any. The notice shall be given at the time notice  
17 is provided to the applicant.

18       E. Notwithstanding any law or rule to the contrary, a delivery  
19 service licensee with training approved by the ABLE Commission may  
20 purchase delivery driver licenses on behalf of the delivery drivers  
21 and may provide such delivery drivers with such permits upon  
22 successful completion of the delivery service licensee's approved  
23 training.

24

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

3 SECTION 5. This act shall become effective November 1, 2025.

4 Passed the Senate the 27th day of March, 2025.

5

6

7 Presiding Officer of the Senate

8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2025.

10

11

12 Presiding Officer of the House  
of Representatives