

1 ENGROSSED HOUSE
2 BILL NO. 2369

By: Hill, Gise, Moore, and
Stark of the House

3 and

4 Paxton of the Senate

5
6
7 An Act relating to alcoholic beverages; creating the
8 Marissa Murrow Act; amending 37A O.S. 2021, Section
9 1-103, as last amended by Section 1, Chapter 416,
10 O.S.L. 2024 (37A O.S. Supp. 2024, Section 1-103),
11 which relates to definitions; defining term; amending
12 37A O.S. 2021, Section 2-101, as amended by Section
13 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,
14 Section 2-101), which relates to license fees;
15 providing fee for event bartender license; amending
16 37A O.S. 2021, Section 2-113, as last amended by
Section 1, Chapter 238, O.S.L. 2024 (37A O.S. Supp.
2024, Section 2-113), which relates to rules and
regulations of caterer license; providing who may
serve beer and wine at an event venue; providing
requisites for issuance of an event bartender
license; providing that proof of training shall be
furnished in certain circumstances; providing for
revocable offense for event bartender violations;
providing for noncodification; and providing an
effective date.

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

20 SECTION 1. NEW LAW A new section of law not to be

21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as the "Marissa Murrow
23 Act".

1 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, as

2 last amended by Section 1, Chapter 416, O.S.L. 2024 (37A O.S. Supp.

3 2024, Section 1-103), is amended to read as follows:

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

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

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

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

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

22 5. "Beer" means any beverage containing more than one-half of
23 one percent (0.50%) of alcohol by volume and obtained by the
24 alcoholic fermentation of an infusion or decoction of barley, or

1 other grain, sugar, malt or similar products. For the purposes of
2 taxation, distribution, sales, and regulation, seltzer shall mean
3 the same as beer as provided in this section. Beer may or may not
4 contain hops or other vegetable products. Beer includes, among
5 other things, beer, ale, stout, lager beer, porter, seltzer, and
6 other malt or brewed liquors, but does not include sake, known as
7 Japanese rice wine;

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

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

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

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

24

1 10. "Brand" means any word, name, group of letters, symbol or
2 combination thereof, that is adopted and used by a licensed brewer
3 to identify a specific beer, wine or spirit and to distinguish that
4 product from another beer, wine or spirit;

5 11. "Brand extension" means:

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

9 (1) incorporates all or a substantial part of the
10 unique features of a preexisting brand of the
11 same licensed brewer, or
12 (2) relies to a significant extent on the goodwill
13 associated with the preexisting brand, or

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

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

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

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

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

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

15. "Club suite" means a designated area within the premises of a mixed beverage licensee designed to provide an exclusive space which is limited to a patron or patrons specifically granted access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage licensee or the public. A club suite must have a clearly designated point of access for a patron or patrons

1 specifically granted access by the mixed beverage licensee to ensure
2 that persons present in the suite are limited to patrons
3 specifically granted access by the mixed beverage licensee and
4 employees providing services to the club suite;

5 16. "Cocktail" means a type of mixed beverage as defined in
6 Section 7-102 of this title;

7 17. "Convenience store" means any person primarily engaged in
8 retailing a limited range of general household items and groceries,
9 with extended hours of operation, whether or not engaged in retail
10 sales of automotive fuels in combination with such sales;

11 18. "Convicted" and "conviction" mean and include a finding of
12 guilt resulting from a plea of guilty or nolo contendere, the
13 decision of a court or magistrate or the verdict of a jury,
14 irrespective of the pronouncement of judgment or the suspension
15 thereof;

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

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

22 21. "Director" means the Director of the ABLE Commission;

23 22. "Distiller" means any person who produces spirits from any
24 source or substance, or any person who brews or makes mash, wort or

1 wash, fit for distillation or for the production of spirits (except
2 a person making or using such material in the authorized production
3 of wine or beer, or the production of vinegar by fermentation), or
4 any person who by any process separates alcoholic spirits from any
5 fermented substance, or any person who, making or keeping mash, wort
6 or wash, has also in his or her possession or use a still;

7 23. "Distributor agreement" means the written agreement between
8 the distributor and brewer as set forth in Section 3-108 of this
9 title;

10 24. "Drug store" means a person primarily engaged in retailing
11 prescription and nonprescription drugs and medicines;

12 25. "Event venue" means any nongovernmental location, property,
13 space, premises, grounds, building or buildings, or other site that
14 offers to the general public for rent, lease, reservation, or other
15 contractual use, for the hosting of a function, occasion, or event,
16 special, private, or public, of a temporary nature. The location,
17 property, space, premises, grounds, or building or buildings defined
18 in this paragraph shall not include those owned, leased, or occupied
19 by organizations exempt from taxation pursuant to the provisions of
20 the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

21 26. "Dual-strength beer" means a brand of beer that,
22 immediately prior to April 15, 2017, was being sold and distributed
23 in this state:

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

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

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

10 26. 27. "Fair market value" means the value in the subject
11 territory covered by the written agreement with the distributor or
12 wholesaler that would be determined in an arm's length transaction
13 entered into without duress or threat of termination of the
14 distributor's or wholesaler's rights and shall include all elements
15 of value, including goodwill and going-concern value;

27. 28. "Good cause" means:

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

22 28. 29. "Good faith" means the duty of each party to any
23 distributor agreement and all officers, employees or agents thereof

1 to act with honesty in fact and within reasonable standards of fair
2 dealing in the trade;

3 ~~29.~~ 30. "Grocery store" means a person primarily engaged in
4 retailing a general line of food, such as canned or frozen foods,
5 fresh fruits and vegetables, and fresh and prepared meats, fish and
6 poultry;

7 ~~30.~~ 31. "Hotel" or "motel" means an establishment which is
8 licensed to sell alcoholic beverages by the individual drink and
9 which contains guest room accommodations with respect to which the
10 predominant relationship existing between the occupants thereof and
11 the owner or operator of the establishment is that of innkeeper and
12 guest. For purposes of this section, the existence of other legal
13 relationships as between some occupants and the owner or operator
14 thereof shall be immaterial;

15 ~~31.~~ 32. "Legal newspaper" means a newspaper meeting the
16 requisites of a newspaper for publication of legal notices as
17 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
18 Statutes;

19 ~~32.~~ 33. "Licensee" means any person holding a license under the
20 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
21 employee of such licensee while in the performance of any act or
22 duty in connection with the licensed business or on the licensed
23 premises;

1 33. 34. "Low-point beer" shall mean any beverages containing
2 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
3 not more than three and two-tenths percent (3.2%) alcohol by weight,
4 including but not limited to beer or cereal malt beverages obtained
5 by the alcoholic fermentation of an infusion by barley or other
6 grain, malt or similar products;

7 34. 35. "Manufacturer" means a distiller, winemaker, rectifier
8 or bottler of any alcoholic beverage (other than beer) and its
9 subsidiaries, affiliates and parent companies;

10 35. 36. "Manufacturer's agent" means a salaried or commissioned
11 salesperson who is the agent authorized to act on behalf of the
12 manufacturer or nonresident seller in this state;

13 36. 37. "Meals" means foods commonly ordered at lunch or dinner
14 and at least part of which is cooked on the licensed premises and
15 requires the use of dining implements for consumption. Provided,
16 that the service of only food such as appetizers, sandwiches, salads
17 or desserts shall not be considered meals;

18 37. 38. "Mini-bar" means a closed container, either
19 refrigerated in whole or in part, or unrefrigerated, and access to
20 the interior of which is:

1 ~~38.~~ 39. "Mixed beverage cooler" means any beverage, by whatever
2 name designated, consisting of an alcoholic beverage and fruit or
3 vegetable juice, fruit or vegetable flavorings, dairy products or
4 carbonated water containing more than one-half of one percent (1/2
5 of 1%) of alcohol measured by volume but not more than seven percent
6 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
7 packaged in a container not larger than three hundred seventy-five
8 (375) milliliters. Such term shall include but not be limited to
9 the beverage popularly known as a "wine cooler";

10 ~~39.~~ 40. "Mixed beverages" means one or more servings of a
11 beverage composed in whole or in part of an alcoholic beverage in a
12 sealed or unsealed container of any legal size for consumption on
13 the premises where served or sold by the holder of a mixed beverage,
14 beer and wine, caterer, public event, charitable event or special
15 event license; provided, that a beer, cider, or wine mixed with
16 ingredients nonalcoholic in nature including, but not limited to,
17 water, juice, sugar, fruits, or vegetables and sold by a small
18 brewer, brewpub, small farm winery, or winemaker, shall not be
19 considered a mixed beverage so long as such small brewer, brewpub,
20 small farm winery, or winemaker does not also hold an on-premises
21 beer and wine, mixed beverage, caterer, public event, or special
22 event license, if permitted by law;

23 ~~40.~~ 41. "Motion picture theater" means an establishment which
24 is licensed by Section 2-110 of this title to sell alcoholic

1 beverages by the individual drink and where motion pictures are
2 exhibited, and to which the general public is admitted;

3 41. 42. "Nondesignated products" means the brands of wine or
4 spirits offered for sale by a manufacturer that have not been
5 assigned to a designated wholesaler;

6 42. 43. "Nonresident seller" means any person licensed pursuant
7 to Section 2-135 of this title;

8 43. 44. "Retail salesperson" means a salesperson soliciting
9 orders from and calling upon retail alcoholic beverage stores with
10 regard to his or her product;

11 44. 45. "Occupation" as used in connection with "occupation
12 tax" means the sites occupied as the places of business of the
13 manufacturers, brewers, wholesalers, beer distributors, retailers,
14 mixed beverage licensees, on-premises beer and wine licensees,
15 bottle clubs, caterers, public event and special event licensees;

16 45. 46. "Original package" means any container of alcoholic
17 beverage filled and stamped or sealed by the manufacturer or brewer;

18 46. 47. "Package store" means any sole proprietor or
19 partnership that qualifies to sell wine, beer and/or spirits for
20 off-premises consumption and that is not a grocery store,
21 convenience store or drug store, or other retail outlet that is not
22 permitted to sell wine or beer for off-premises consumption;

23 47. 48. "Patron" means any person, customer or visitor who is
24 not employed by a licensee or who is not a licensee;

1 ~~48.~~ 49. "Person" means an individual, any type of partnership,
2 corporation, association, limited liability company or any
3 individual involved in the legal structure of any such business
4 entity;

5 ~~49.~~ 50. "Premises" means the grounds and all buildings and
6 appurtenances pertaining to the grounds including any adjacent
7 premises if under the direct or indirect control of the licensee and
8 the rooms and equipment under the control of the licensee and used
9 in connection with or in furtherance of the business covered by a
10 license. Provided, that the ABLE Commission shall have the
11 authority to designate areas to be excluded from the licensed
12 premises solely for the purpose of:

- 13 a. allowing the presence and consumption of alcoholic
14 beverages by private parties which are closed to the
15 general public, or
- 16 b. allowing the services of a caterer serving alcoholic
17 beverages provided by a private party.

18 This exception shall in no way limit the licensee's concurrent
19 responsibility for any violations of the Oklahoma Alcoholic Beverage
20 Control Act occurring on the licensed premises;

21 ~~50.~~ 51. "Private event" means a social gathering or event
22 attended by invited guests who share a common cause, membership,
23 business or task and have a prior established relationship. For
24 purposes of this definition, advertisement for general public

1 attendance or sales of tickets to the general public shall not
2 constitute a private event;

3 51. 52. "Public event" means any event that can be attended by
4 the general public;

5 52. 53. "Rectifier" means any person who rectifies, purifies or
6 refines spirits or wines by any process (other than by original and
7 continuous distillation, or original and continuous processing, from
8 mash, wort, wash or other substance, through continuous closed
9 vessels and pipes, until the production thereof is complete), and
10 any person who, without rectifying, purifying or refining spirits,
11 shall by mixing (except for immediate consumption on the premises
12 where mixed) such spirits, wine or other liquor with any material,
13 manufactures any spurious, imitation or compound liquors for sale,
14 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
15 or any other name;

16 53. 54. "Regulation" or "rule" means a formal rule of general
17 application promulgated by the ABLE Commission as herein required;

18 54. 55. "Restaurant" means an establishment that is licensed to
19 sell alcoholic beverages by the individual drink for on-premises
20 consumption and where food is prepared and sold for immediate
21 consumption on the premises;

22 55. 56. "Retail container for spirits and wines" means an
23 original package of any capacity approved by the United States
24 Bureau of Alcohol, Tobacco, Firearms and Explosives;

1 56. 57. "Retailer" means a package store, grocery store,
2 convenience store or drug store licensed to sell alcoholic beverages
3 for off-premises consumption pursuant to a retail spirits license,
4 retail wine license or retail beer license;

5 57. 58. "Sale" means any transfer, exchange or barter in any
6 manner or by any means whatsoever, and includes and means all sales
7 made by any person, whether as principal, proprietor or as an agent,
8 servant or employee. The term sale is also declared to be and
9 include the use or consumption in this state of any alcoholic
10 beverage obtained within or imported from without this state, upon
11 which the excise tax levied by the Oklahoma Alcoholic Beverage
12 Control Act has not been paid or exempted;

13 58. 59. "Seltzer" means any beverage containing more than one-
14 half of one percent (0.50%) of alcohol by volume and obtained by the
15 alcoholic fermentation of malt, rice, grain of any kind, bran,
16 glucose, sugar, or molasses and combined with carbonated water and
17 other flavoring and labeled as "beer" by the Internal Revenue Code;
18 provided, that seltzer shall not include carbonated beverages mixed
19 with wine or spirits;

20 59. 60. "Short-order food" means food other than full meals
21 including but not limited to sandwiches, soups and salads.
22 Provided, that popcorn, chips and other similar snack food shall not
23 be considered short-order food;

1 60. 61. "Small brewer" means a brewer who manufactures less
2 than sixty-five thousand (65,000) barrels of beer annually pursuant
3 to a validly issued small brewer license hereunder;

4 61. 62. "Small farm wine" means a wine that is produced by a
5 small farm winery with seventy-five percent (75%) or more Oklahoma-
6 grown grapes, berries, other fruits, honey or vegetables;

7 62. 63. "Small farm winery" means a wine-making establishment
8 that does not annually produce for sale more than fifteen thousand
9 (15,000) gallons of wine as reported on the United States Department
10 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
11 Wine Premises Operations (TTB Form 5120.17);

12 63. 64. "Sparkling wine" means champagne or any artificially
13 carbonated wine;

14 64. 65. "Special event" means an entertainment, recreation or
15 marketing event that occurs at a single location on an irregular
16 basis and at which alcoholic beverages are sold;

17 65. 66. "Spirits" means any beverage other than wine or beer,
18 which contains more than one-half of one percent (1/2 of 1%) alcohol
19 measured by volume, and obtained by distillation, whether or not
20 mixed with other substances in solution and includes those products
21 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
22 fortified wines and similar compounds, but shall not include any
23 alcohol liquid completely denatured in accordance with the Acts of
24 Congress and regulations pursuant thereto;

1 66. 67. "Strong beer" means beer which, prior to October 1,
2 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage
3 Control Act, Section 1-101 et seq. of this title;

4 67. 68. "Successor brewer" means a primary source of supply, a
5 brewer, a cider manufacturer or an importer that acquires rights to
6 a beer or cider brand from a predecessor brewer;

7 68. 69. "Tax Commission" means the Oklahoma Tax Commission;

8 69. 70. "Territory" means a geographic region with a specified
9 boundary;

10 70. 71. "Wine and spirits wholesaler" or "wine and spirits
11 distributor" means and includes any sole proprietorship or
12 partnership licensed to distribute wine and spirits in this state.
13 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
14 Control Act, shall be construed to refer to a wine and spirits
15 wholesaler;

16 71. 72. "Wine" means and includes any beverage containing more
17 than one-half of one percent (1/2 of 1%) alcohol by volume and not
18 more than twenty-four percent (24%) alcohol by volume at sixty (60)
19 degrees Fahrenheit obtained by the fermentation of the natural
20 contents of fruits, vegetables, honey, milk or other products
21 containing sugar, whether or not other ingredients are added, and
22 includes vermouth and sake, known as Japanese rice wine;

1 72. 73. "Winemaker" means and includes any person or
2 establishment who manufactures for human consumption any wine upon
3 which a license fee and a tax are imposed by any law of this state;

4 73. 74. "Satellite tasting room" means a licensed establishment
5 operated off the licensed premises of the holder of a small farm
6 winery or winemaker license, which serves wine for on-premises or
7 off-premises consumption; and

8 74. 75. "Straw testing" means the consumption of a de minimis
9 amount of an alcoholic beverage by sanitary means by the holder of
10 an employee license, twenty-one (21) years of age or older, to
11 determine the quality or desired flavor profile of such alcoholic
12 beverage that has been serviced, or is to be served, to a patron.

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

16 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-101, as
17 amended by Section 3, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2024,
18 Section 2-101), is 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 shall be determined by the latest Federal Decennial Census:	
7	a.	Retail Spirits License for cities and towns from 200 to 2,500 population.....	\$305.00
8	b.	Retail Spirits License for cities and towns from 2,501 to 5,000 population.....	\$605.00
9	c.	Retail Spirits License for cities and towns over 5,000 population.....	\$905.00
10	10.	Retail Wine License.....	\$1,000.00
11	11.	Retail Beer License.....	\$500.00
12	12.	Mixed Beverage License.....	\$1,005.00
13		(initial license)	
14			\$905.00
15		(renewal)	
16	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
17	14.	On-Premises Beer and Wine License.....	\$500.00
18		(initial license)	
19			\$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 last calendar year.....	\$50.00
7	b.	51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00
8	c.	501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
9	30.	Manufacturer's Agent License.....	\$55.00
10	31.	Sacramental Wine Supplier License.....	\$100.00
11	32.	Charitable Auction License.....	\$1.00
12	33.	Charitable Alcoholic Beverage License.....	\$55.00
13	34.	Winemaker Self-Distribution License:	
14	a.	produced ten thousand (10,000) gallons or less in last calendar year.....	\$350.00
15	b.	produced more than ten thousand (10,000) gallons but no more than fifteen thousand (15,000) gallons in last calendar year.....	\$750.00
16	35.	Annual Public Event License.....	\$1,005.00
17	36.	One-Time Public Event License.....	\$255.00

1 37. Small Brewer Self-Distribution License:
2 a. produced fifteen thousand (15,000)
3 barrels or less in last calendar year..... \$350.00
4 b. produced more than fifteen thousand
5 (15,000) barrels in last calendar year..... \$750.00
6 38. Brewpub License..... \$1,005.00
7 39. Brewpub Self-Distribution License..... \$750.00
8 40. Complimentary Beverage License..... \$75.00
9 41. Satellite Tasting Room License..... \$100.00
10 42. Event Bartender License..... \$50.00

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

20 2. There shall be added to the fee for a mixed beverage/caterer
21 combination license an administrative fee, which shall not be deemed
22 to be a license fee, in the amount of Two Hundred Fifty Dollars
23 (\$250.00), which shall be paid at the same time and in the same

1 manner as the license fee prescribed by paragraph 13 of subsection A
2 of this section.

3 C. Notwithstanding the provisions of subsection A of this
4 section:

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

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

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

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

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

1 establishment or an on-premises beer and wine establishment subject
2 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
3 There shall be no additional fee for such exchange and the mixed
4 beverage license or on-premises beer and wine license issued shall
5 expire one (1) year from the date of issuance of the original bottle
6 club license.

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

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

10 2. Manufacturer License:

11 a. 50 cases or less sold in Oklahoma in

12 last calendar year..... \$100.00

13 b. 51 to 500 cases sold in Oklahoma in

14 last calendar year..... \$225.00

15 c. 501 cases or more sold in Oklahoma in

16 last calendar year..... \$450.00

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

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

19 5. Retail Spirits License for cities and towns

20 over 5,000 population..... \$250.00

21 6. Retail Spirits License for cities and towns

22 from 2,501 to 5,000 population..... \$200.00

23 7. Retail Spirits License for cities and towns

24 from 200 to 2,500 population..... \$150.00

1 8. Retail Wine License..... \$250.00
2 9. Retail Beer License..... \$250.00
3 10. Mixed Beverage License..... \$25.00
4 11. Mixed Beverage/Caterer Combination License..... \$25.00
5 12. Caterer License..... \$25.00
6 13. On-Premises Beer and Wine License..... \$25.00
7 14. Annual Public Event License..... \$25.00
8 15. Small Farm Winery License..... \$25.00
9 16. Small Brewer License..... \$35.00
10 17. Complimentary Beverage License..... \$25.00

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

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

22 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-113, as
23 last amended by Section 1, Chapter 238, O.S.L. 2024 (37A O.S. Supp.
24 2024, Section 2-113), is amended to read as follows:

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

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

18 3. Each caterer shall submit an annual sales report containing
19 revenue attributable to alcoholic beverages, food and all other
20 revenues attributable to the catering service. The annual sales
21 report must be submitted thirty (30) days prior to expiration of the
22 caterer license on forms prescribed by the ABLE Commission. The
23 caterer license may not be renewed if the caterer fails to provide
24 complete or sufficient financial data.

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

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

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

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

23 C. The restrictions and rules which apply to the sale of mixed
24 beverages on the premises of a mixed beverage licensee also apply to

1 the sale under the authority of a caterer license. Any act which if
2 done on the premises of a mixed beverage licensee would be a ground
3 for revocation or suspension of the mixed beverage license is a
4 ground for revocation or suspension of a caterer license.

5 D. If the premises where the event being catered is held are
6 already operating pursuant to another type of license issued by the
7 ABLE Commission, the caterer and the other licensee shall both be
8 responsible for the actions of the caterer and shall both be subject
9 to penalties for violations by the caterer of the Oklahoma Alcoholic
10 Beverage Control Act and any rules promulgated thereto.

11 E. A caterer licensee may not store alcoholic beverages unless
12 the licensee has a storage license issued by the ABLE Commission. A
13 caterer licensee selling beer and cider to consumers shall only
14 purchase such beer and cider from the distributor or wholesaler
15 within the county in which the licensee will be selling the beer and
16 cider to consumers.

17 F. A caterer may provide alcoholic beverage sales on the
18 premises of a person currently applying for an on-premises beer and
19 wine license, mixed beverage/caterer combination license, or mixed
20 beverage license, provided the following terms have been satisfied:

21 1. The caterer shall take reasonable steps to ensure that the
22 on-premises beer and wine applicant, mixed beverage/caterer
23 combination applicant, or mixed beverage applicant uses only
24 licensed employees to perform licensable activities while using the

1 caterer's license. The caterer shall use his or her best efforts to
2 attempt to have a licensed employee on-site supervising the sale of
3 such caterer's alcoholic beverages at all times, but the caterer
4 shall not be disciplined for failing to have a licensed employee on-
5 site. The caterer expressly acknowledges that he or she is liable
6 for all violations of the Oklahoma Alcoholic Beverage Control Act
7 and rules of the ABLE Commission that are committed by the on-
8 premises beer and wine applicant, the mixed beverage/caterer
9 combination applicant, or the mixed beverage applicant and its
10 employees during this period;

11 2. The caterer and the on-premises beer and wine applicant, the
12 mixed beverage/caterer combination applicant, or the mixed beverage
13 applicant must submit to the ABLE Commission a written agreement
14 setting forth all the terms of the catering agreement at least
15 twenty-four (24) hours prior to the commencement of the catered
16 event;

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

22 4. The caterer may be issued a storage license to be used to
23 store any alcoholic beverages purchased pursuant to this subsection
24

1 | on the unlicensed premises of the applicant during the period of the
2 | written agreement; and

3 | 5. Upon the issuance of a license to the on-premises beer and
4 | wine applicant, the mixed beverage/caterer combination applicant, or
5 | the mixed beverage applicant, any alcoholic beverages on the
6 | licensed storage premises may be transferred by the caterer to the
7 | on-premises beer and wine licensee, the mixed beverage/caterer
8 | combination licensee, or the mixed beverage licensee consistent with
9 | the provisions of Section 2-155 of this title.

10 | G. A caterer may provide alcoholic beverage services for
11 | temporary public events which have been licensed and approved by the
12 | ABLE Commission.

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

17 | I. All alcoholic beverages served on the premises of an event
18 | venue must be served by an ABLE-licensed mixed beverage licensee,
19 | caterer licensee, or event bartender licensee. As a prerequisite to
20 | the issuance of an event bartender license, not later than fourteen
21 | (14) days after initial licensure, the event bartender licensee
22 | shall be required to have successfully completed an in-person
23 | training program conducted by an entity approved by the ABLE
24 | Commission. Proof of training completion shall be made available

1 for inspection by the ABLE Commission at the event venue location.
2 The failure of an event bartender to comply with this section may
3 constitute a revocable offense.

SECTION 5. This act shall become effective July 1, 2026.

Passed the House of Representatives the 27th day of March, 2025.

Presiding Officer of the House
of Representatives

Presiding Officer of the Senate