

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
4 SENATE BILL NO. 1046

By: Coleman of the Senate

5 and

6 Lawson of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to alcoholic beverages; amending 37A  
O.S. 2021, Sections 2-101, as amended by Section 3,  
12 Chapter 338, O.S.L. 2023, and 2-161 (37A O.S. Supp.  
13 2024, Section 2-101), which relate to annual license  
fees and curbside pickup and delivery; defining  
14 terms; establishing certain license; providing  
certain requirements for license; providing that a  
15 certain amount of a certain license fee is to be  
deposited into the Alcohol Abuse Revolving Fund;  
determining certain abilities; establishing certain  
16 limits for license holders; establishing certain  
renewal requirements; determining certain  
17 requirements for charges; providing certain  
exceptions; promulgating certain enforcement;  
establishing certain violations; establishing certain  
18 requirements for certain applicants; requiring  
certain notice for certain application denials;  
allowing certain purchases of certain licenses;  
19 promulgating certain rules; establishing certain  
license fees; updating statutory language; updating  
statutory references; including certain licenses;  
20 permitting certain action; establishing certain  
protections for certain licensees; establishing  
certain responsibilities; establishing certain  
21 license privileges; requiring certain pricing;  
establishing certain limitations on certain delivery  
22 areas; omitting certain licensees; creating the  
23

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1                   Alcohol Abuse Revolving Fund; providing for  
2                   codification; and providing an effective date.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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> .....	<del>\$1,000.00</del>
	(initial license)	
		<del>\$900.00</del>
	(renewal)	
16.	Caterer License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
17.	<u>16.</u> Annual Special Event License.....	\$55.00

1	<u>18.</u> <u>17.</u> Quarterly Special Event License.....	\$55.00
2	<u>19.</u> <u>18.</u> Hotel Beverage License.....	\$1,005.00
3		(initial license)
4		\$905.00
5		(renewal)
6	<u>20.</u> <u>19.</u> Airline/Railroad/Commercial Passenger Vessel Beverage	
7	License.....	\$1,005.00
8		(initial license)
9		\$905.00
10		(renewal)
11	<u>21.</u> <u>20.</u> Agent License.....	\$55.00
12	<u>22.</u> <u>21.</u> Employee License.....	\$30.00
13	<u>23.</u> <u>22.</u> Industrial License.....	\$23.00
14	<u>24.</u> <u>23.</u> Carrier License.....	\$23.00
15	<u>25.</u> <u>24.</u> Private Carrier License.....	\$23.00
16	<u>26.</u> <u>25.</u> Bonded Warehouse License.....	\$190.00
17	<u>27.</u> <u>26.</u> Storage License.....	\$23.00
18	<u>28.</u> <u>27.</u> Nonresident Seller License .....	\$750.00
19	<u>29.</u> <u>28.</u> Manufacturer License:	
20	a. 50 cases or less sold in Oklahoma in	
21	last calendar year.....	\$50.00
22	b. 51 to 500 cases sold in Oklahoma in	
23	last calendar year.....	\$75.00
24		

1	c.	501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
2			
3	30. <u>29.</u>	Manufacturer's Agent License.....	\$55.00
4			
5	31. <u>30.</u>	Sacramental Wine Supplier License.....	\$100.00
6			
7	32. <u>31.</u>	Charitable Auction License.....	\$1.00
8			
9	33. <u>32.</u>	Charitable Alcoholic Beverage License.....	\$55.00
10			
11	34. <u>33.</u>	Winemaker Self-Distribution License:	
12			
13	a.	produced ten thousand (10,000) gallons or less in last calendar year.....	\$350.00
14			
15	b.	produced more than ten thousand (10,000) gallons but no more than	
16			
17		fifteen thousand (15,000) gallons in last calendar year.....	\$750.00
18			
19	35. <u>34.</u>	Annual Public Event License.....	\$1,005.00
20			
21	36. <u>35.</u>	One-Time Public Event License.....	\$255.00
22			
23	37. <u>36.</u>	Small Brewer Self-Distribution License:	
24			
17	a.	produced fifteen thousand (15,000) barrels or less in last calendar year.....	\$350.00
18			
19	b.	produced more than fifteen thousand (15,000) barrels in last calendar year.....	\$750.00
20			
21	38. <u>37.</u>	Brewpub License.....	\$1,005.00
22			
23	39. <u>38.</u>	Brewpub Self-Distribution License.....	\$750.00
24			
40. <u>39.</u>	Complimentary Beverage License.....	\$75.00	
41. <u>40.</u>	Satellite Tasting Room License.....	\$100.00	

1        41. Delivery Service License..... \$2,500.00

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

3            B. 1. There shall be added to the initial or renewal fees for  
4 a mixed beverage license an administrative fee, which shall not be  
5 deemed to be a license fee, in the amount of Five Hundred Dollars  
6 (\$500.00), which shall be paid at the same time and in the same  
7 manner as the license fees prescribed by paragraph 12 of subsection  
8 A of this section; provided, this fee shall not be assessed against  
9 service organizations or fraternal beneficiary societies which are  
10 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue  
11 Code of 1986, as amended.

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

18            C. Notwithstanding the provisions of subsection A of this  
19 section:

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

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

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

2           The surcharge shall be paid concurrent with the licensee's  
3 annual licensing fee and, in addition to Five Dollars (\$5.00) of the  
4 employee license fee and Twenty-seven Dollars (\$27.00) of the  
5 delivery driver license fee, shall be deposited in the Alcoholic  
6 Beverage Governance Revolving Fund established pursuant to Section  
7 5-128 of 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           I. Three Dollars (\$3.00) of each delivery driver license  
15 purchased pursuant to paragraph 42 of subsection A of this section  
16 shall be deposited in the Alcohol Abuse Revolving Fund to be used  
17 specifically for the treatment of alcohol abuse by the Department of  
18 Mental Health and Substance Abuse Services.

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

21           Section 2-161. A. Retail spirit spirits licensees may sell  
22 curbside and deliver alcoholic beverages including beer, wine, and  
23 spirits in sealed original containers to consumers aged twenty-one  
24 (21) years and older as follows:

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

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

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

- 18           a. providing, selling, or serving alcohol to a minor or  
19           to an intoxicated individual,  
20           b. the delivery of alcohol in a dry or otherwise illegal  
21           area, unless the retailer has contractually agreed to  
22           retain responsibility for ensuring that deliveries are  
23           not directed to a dry or otherwise illegal area, or  
24           c. any other provision of this title; and

1       4. A retail spirits licensee's responsibility under this title  
2 regarding delivery of alcoholic beverage products to a consumer  
3 shall be considered satisfied at the moment the retailer transfers  
4 possession of an alcoholic beverage product to the delivery service  
5 licensee or the delivery driver of a delivery service licensee.

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

11       1. Only employees of the licensed small brewer or small farm  
12 winery shall be permitted to make alcoholic beverage product  
13 deliveries to consumers;

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

18       3. Small brewers and small farm wineries shall be responsible  
19 for their delivery employees as provided in Section 2-133 of ~~Title~~  
20 ~~37A of the Oklahoma Statutes~~ this title.

21       C. Restaurants, bars and clubs holding mixed beverage, beer and  
22 wine, or caterer/mixed beverage licenses issued by the ~~Oklahoma~~ ABLE  
23 Commission may sell curbside and deliver only closed packages of

1 beer and wine to consumers aged twenty-one (21) years and older as  
2 follows:

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

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

14 3. Restaurants, bars and clubs licensed by the ~~Oklahoma~~ ABLE  
15 Commission shall be responsible for their delivery employees as  
16 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this  
17 title. An action by a delivery service licensee or a delivery  
18 driver of a delivery service licensee is not attributable to the  
19 restaurant, bar, or club with regard 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 restaurant, bar, or club licensee's responsibility under  
5                   this title regarding delivery of an alcoholic beverage product to a  
6                   consumer shall be considered satisfied at the moment the retailer  
7                   transfers possession of an alcoholic beverage product to the  
8                   delivery service licensee or the delivery driver of a delivery  
9                   service licensee.

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

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

22                  2. Payment for alcoholic beverage product delivery by a  
23                  licensed grocery or convenience store may be made by cash, check,

1 | transportable credit/debit card processors or advance ~~on-line~~ online  
2 | payment methods; and

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

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

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

22 |       E. ~~Licensees authorized by this section to make alcoholic~~  
23 | ~~beverage product deliveries to consumers are prohibited from~~

1 ~~utilizing third party vendors or delivery services for purposes of~~  
2 ~~completing such product deliveries to consumers.~~

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

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

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

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

23 I. Employees licensed as delivery drivers and independent  
24 contractors of delivery service licensees of licensed grocery stores

1     or convenience stores shall be permitted to make alcoholic beverage  
2     product deliveries to a consumer twenty-one (21) years of age or  
3     older for the consumer's personal use and not for resale.

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

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

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

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

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

23       1. Pricing for alcoholic beverage products delivered in  
24     accordance with this act shall meet the minimum markup requirements

1   in accordance with Section 3-118 of this title, prior to any  
2   additional charges or delivery or service fees;  
3   2. All sales of alcoholic beverage products shall be delivered  
4   and sold in accordance with Section 6-103 of this title;  
5   3. Delivered alcoholic beverage products shall not be discounted  
6   below the price in the retailer's licensed premises; and  
7   4. Delivery service licensees shall be prohibited from  
8   discriminating between any retailers or groups of retailers in  
9   advertising, fees, and costs of online search results.

10   M. Any delivery service licensee engaged in authorized delivery  
11   shall only do so within the county the licensed premises is located,  
12   and any immediately contiguous county sharing a county line border  
13   with the licensee's home county where the license is held.

14   N. A delivery service licensee shall not:  
15   1. Have any ownership interest in a wine and spirits wholesaler  
16   license, a beer distributor license, or any manufacturer license  
17   under this title;  
18   2. Have any ownership interest in a brewer license, small brewer  
19   license, distiller license, winemaker license, small farm winery  
20   license, rectifier license, or nonresident seller license; or  
21   3. Engage in central warehousing.

22   O. Any delivery of alcoholic beverage products conducted by a  
23   delivery service licensee or by a delivery driver of a delivery

1      service licensee shall only be done from the premises of the retail  
2      licensee.

3      P. Delivery service licensees and technology services companies  
4      facilitating the sale of alcoholic beverages under Section 2-162 of  
5      this title shall comply with the trade practice and illegal  
6      inducement laws found in Section 3-123 of this title, as well as any  
7      applicable administrative rules promulgated pursuant to Section 3-  
8      123 of this title, and any applicable provisions of Chapter 27 of  
9      the Code of Federal Regulations.

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

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

18     B. Any individual, limited liability company, corporation, or  
19     partnership that is registered to do business in this state,  
20     regardless of the residency of the ownership of the entity, may  
21     apply for and be issued a delivery service license that authorizes  
22     the licensee to deliver alcoholic beverages from a retailer licensed  
23     by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell  
24     alcoholic beverage products to any person in this state who is

1 twenty-one (21) years of age or older for the individual's personal  
2 use and not for resale.

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

4 1. File an application with the ABLE Commission;

5 2. Provide to the ABLE Commission a sample contract that the

6 applicant intends to enter into with a retail licensee for the  
7 delivery of alcoholic beverage products, unless the applicant is the  
8 holder of a retail license or operates under the same parent company  
9 as the retail license holder;

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

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

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

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

21 D. A delivery service licensee:

22 1. May contract with any retail licensee for the purpose of  
23 delivering alcoholic beverage products;

1       2. May use its own delivery driver licensees who are twenty-one  
2       (21) years of age and older to deliver such alcoholic beverage  
3       products, provided such delivery drivers have a valid delivery  
4       driver license, and shall not have been convicted of any criminal  
5       offense related to alcoholic beverages. The delivery service  
6       licensee shall complete a criminal history record check on each  
7       delivery driver licensee who delivers alcoholic beverage products,  
8       and shall submit to the ABLE Commission an outline of internal or  
9       external training for delivery driver licensees, provided that such  
10      training is approved by the ABLE Commission;

11       3. May facilitate orders by telephone, Internet, or other  
12      electronic means for the sale and delivery of alcoholic beverage  
13      products. If payment is not received at the time of the order, the  
14      delivery service licensee may act as an agent of the retail licensee  
15      in the collection of payment from the sale of alcoholic beverage  
16      products, but the full amount of each order must be handled in a  
17      manner that gives the retail licensee control over the ultimate  
18      receipt of the payment from the consumer with the retail licensee  
19      operating as the merchant of record. The retail licensee shall  
20      remain responsible for the proper remittance of all applicable taxes  
21      on the sale of the product;

22       4. Shall deliver only sealed containers of alcoholic beverage  
23      products;

24

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

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

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

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

19 Such return shall occur on the same business day;

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

22       10. Shall pick up alcoholic beverage products for delivery only  
23 during lawful sales hours in that jurisdiction for the retail  
24 licensee, provided that orders may be delivered and completed on the

1 same day or within a reasonable time thereafter. No order shall be  
2 picked up by a delivery driver licensee after 11:00 p.m. to ensure  
3 delivery no later than midnight;

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

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

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

12       E. A delivery service licensee may renew his or her license  
13 with the ABLE Commission by maintaining all qualifications, paying  
14 annually a renewal fee of Two Thousand Five Hundred Dollars  
15 (\$2,500.00), and providing the ABLE Commission with a copy of the  
16 current license. The annual fee for delivery service licensees  
17 shall be collected by the ABLE Commission for deposit and credit to  
18 the General Revenue Fund of this state.

19       F. A delivery service licensee shall be authorized to charge a  
20 delivery fee but shall not charge, add on, or collect any portion of  
21 the amount of the retail sales price for the alcoholic beverage  
22 product from the retail licensee. A delivery driver or delivery  
23 service licensee shall not engage in the free delivery of alcoholic  
24 beverage products.

1       G. Nothing in this act shall be construed to require a  
2 technology services company to obtain a delivery service license if  
3 the company does not employ or contract with delivery driver or  
4 delivery service licensees, and solely provides software or a  
5 digital network application that connects consumers and retailer  
6 licensees for the delivery of alcoholic beverage products from the  
7 retail licensee. However, the act of connecting consumers to  
8 delivery driver and delivery service licensees shall serve to grant  
9 jurisdiction to this state.

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

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

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

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

1       L. No alcoholic beverage products shall be delivered to or left  
2 unattended at a resident or business address except for the delivery  
3 of such alcoholic beverage products in person to the purchaser  
4 confirmed to be twenty-one (21) years of age or older.

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

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

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

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

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

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

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

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

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

1      successful completion of the delivery service licensee's approved  
2      training.

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

5            SECTION 5.        NEW LAW        A new section of law to be codified  
6      in the Oklahoma Statutes as Section 1001 of Title 43A, unless there  
7      is created a duplication in numbering, reads as follows:

8            There is hereby created in the State Treasury a revolving fund  
9      for the Department of Mental Health and Substance Abuse Services to  
10     be designated the "Alcohol Abuse Revolving Fund". The fund shall be  
11     a continuing fund, not subject to fiscal year limitations, and shall  
12     consist of all monies received by the Department from appropriations  
13     or other monies directed to the fund. All monies accruing to the  
14     credit of the fund are hereby appropriated and may be budgeted and  
15     expended by the Department to carry out the provisions of Section 1  
16     of this act. Expenditures from the fund shall be made upon warrants  
17     issued by the State Treasurer against claims filed as prescribed by  
18     law with the Director of the Office of Management and Enterprise  
19     Services for approval and payment.

20            SECTION 6. This act shall become effective November 1, 2025.

22            60-1-13589        TKR        04/22/25