

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR ENGROSSED
4 HOUSE BILL 1381

By: Moore of the House

5 and

6 Daniels of the Senate

7

8 COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; amending 37A
10 O.S. 2021, Section 2-146, as amended by Section 2,
Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,
11 Section 2-146), which relates to grounds to deny
license; prohibiting certain grounds for denial of
12 license; excluding certain license from certain
provision; updating statutory language; and providing
an effective date.

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

16 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-146, as

17 amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,
18 Section 2-146), is amended to read as follows:

19 Section 2-146. A. The ABLE Alcoholic Beverage Enforcement

20 (ABLE) Commission shall refuse to issue a wine and spirits
21 wholesaler, beer distributor, retail spirits, retail wine or retail
22 beer license, either on an original application or a renewal
23 application, if it has reasonable grounds to believe and finds any
24 of the following to be true:

1 1. Except in the case of a beer distributor, that the applicant
2 is not a citizen of the United States or is not a qualified elector
3 in this state, or has not been a continuous resident of this state
4 for the five (5) years next preceding the application for the
5 license;

6 2. That the applicant is under twenty-one (21) years of age;

7 3. That the applicant or any partner, or spouse of the
8 applicant or any partner, has been convicted of a felony;

9 4. That the applicant or any partner, or spouse of the
10 applicant or any partner, has been convicted of a violation of any
11 state or federal law relating to alcoholic beverages, has forfeited
12 a bond while any charge of such violation was pending, nor may any
13 license be granted for any purpose under the Oklahoma Alcoholic
14 Beverage Control Act to an Oklahoma resident, who has held or whose
15 spouse has held a Federal Liquor Stamp in Oklahoma before the
16 adoption of Article XXVIII-A of the Oklahoma Constitution unless the
17 Liquor Stamp was granted for supplying alcoholic beverages to a
18 federal military installation, or was granted under the Oklahoma
19 Alcoholic Beverage Control Act;

20 5. That the applicant or any partner has, within twelve (12)
21 months next preceding the date of the application, violated any
22 provision of the Oklahoma Alcoholic Beverage Control Act or rule of
23 the ABLE Commission promulgated pursuant hereto. Provided, however,
24 that if the ABLE Commission has, during such twelve-month period,

1 suspended any license sought to be renewed, such renewal application
2 may be approved if the term of the suspension has been completed and
3 the applicant has complied with any special conditions imposed in
4 connection with the suspension;

5 6. That the applicant is in the habit of using alcoholic
6 beverages to excess or is mentally incapacitated;

7 7. That the applicant does not own or have a written lease for
8 the premises for which a license is sought;

9 8. That the applicant, within twelve (12) months next preceding
10 the date of application, has been the holder of a license revoked
11 for cause;

12 9. That the applicant is not the real party in interest, or
13 intends to carry on the business authorized by the license as the
14 agent of another;

15 10. That the applicant, in the case of an application for
16 renewal of any license, would not be eligible for such license on a
17 first application;

18 11. That the applicant is a person who appoints or is a law
19 enforcement official or is an employee of the ABLE Commission;

20 12. That the proposed location of the licensed premises would
21 violate a valid municipal nondiscriminatory zoning ordinance;

22 13. That, in the case of an application for a wine and spirits
23 wholesaler license or beer distributor license, any brewer or
24 manufacturer, including an officer, director or principal

1 stockholder thereof or any partner, has any financial interest in
2 the business to be conducted under the license, unless otherwise
3 permitted by law;

4 14. That the issuance of the license applied for would result
5 in a violation of any provision of the Oklahoma Alcoholic Beverage
6 Control Act;

7 15. That, in the case of an application for a wine and spirits
8 wholesaler or beer distributor license, the applicant or any
9 partner, or spouse of the applicant or any partner, is the holder or
10 partner of the holder of any other class of license issued under the
11 provisions of the Oklahoma Alcoholic Beverage Control Act, other
12 than an agent or employee license for employment by the applicant,
13 or a storage license, bonded warehouse license, carrier license or
14 private carrier license; provided, nothing shall prohibit a wine and
15 spirits wholesaler, who is otherwise qualified, from maintaining
16 beer distributor licenses in the state, nor a beer distributor, who
17 is otherwise qualified, from maintaining a wine and spirits
18 wholesaler license in the state;

19 16. That, in the case of an application for a retail spirits,
20 retail wine or retail beer license, the applicant or any partner is
21 the holder or partner of the holder, or employee of such holder of
22 any other class of license issued under the provisions of the
23 Oklahoma Alcoholic Beverage Control Act, other than a storage
24 license or an employee license for the proposed licensed premises of

1 the applicant; provided, nothing in this title shall prohibit an
2 applicant for a retail wine ~~and/or or~~ retail beer license from
3 maintaining a separate mixed beverage, caterer, mixed
4 beverage/caterer combination license, ~~and/or or~~ an on-premises beer
5 and wine license; or

6 17. That the applicant or any partner, spouse, employee or
7 other person affiliated with the applicant is not in compliance with
8 the tax laws of this state as required in Article XXVIII-A of the
9 Oklahoma Constitution.

10 B. A beer distributor licensee and wine and spirits wholesaler
11 licensee under common ownership shall not be limited in the types of
12 business entities which may obtain a wine and spirits wholesaler
13 license. Nothing in this subsection shall be construed to apply to
14 a retail spirits license due to the need for strict liability
15 related to sales directly to consumers and in the interest of public
16 safety.

17 C. The provisions of this section shall not operate to prohibit
18 the issuance of a beer distributor license to a corporation ~~or,~~
19 partnership or limited liability company.

20 SECTION 2. This act shall become effective November 1, 2025.

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