

1 ENGROSSED HOUSE AMENDMENT

2 TO

2 ENGROSSED SENATE BILL NO. 1031

By: Daniels of the Senate

3 and

4 Moore of the House

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6
7 An Act relating to alcoholic beverage licenses;
8 amending 37A O.S. 2021, Section 2-146, as amended by
9 Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp.
10 2024, Section 2-146), which relates to grounds for
denial of certain licenses; modifying applicability
of certain exception; and providing an effective
date.

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14 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
15 and insert:

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17 "An Act relating to alcoholic beverages; amending 37A
18 O.S. 2021, Section 2-146, as amended by Section 2,
Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,
19 Section 2-146), which relates to grounds to deny
license; specifying name of agency; allowing certain
licensees to obtain wholesaler licenses without
20 certain limitation; and providing a construing
provision.

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

1 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-146, as
2 amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,
3 Section 2-146), is amended to read as follows:

4 Section 2-146. A. The ABLE Alcoholic Beverage Laws Enforcement
5 (ABLE) Commission shall refuse to issue a wine and spirits
6 wholesaler, beer distributor, retail spirits, retail wine or retail
7 beer license, either on an original application or a renewal
8 application, if it has reasonable grounds to believe and finds any
9 of the following to be true:

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

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

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

18 4. That the applicant or any partner, or spouse of the
19 applicant or any partner, has been convicted of a violation of any
20 state or federal law relating to alcoholic beverages, has forfeited
21 a bond while any charge of such violation was pending, nor may any
22 license be granted for any purpose under the Oklahoma Alcoholic
23 Beverage Control Act to an Oklahoma resident, who has held or whose
24 spouse has held a Federal Liquor Stamp in Oklahoma before the

1 | adoption of Article XXVIII-A of the Oklahoma Constitution unless the
2 | Liquor Stamp was granted for supplying alcoholic beverages to a
3 | federal military installation, or was granted under the Oklahoma
4 | Alcoholic Beverage Control Act;

5 | 5. That the applicant or any partner has, within twelve (12)
6 | months next preceding the date of the application, violated any
7 | provision of the Oklahoma Alcoholic Beverage Control Act or rule of
8 | the ABLE Commission promulgated pursuant hereto. Provided, however,
9 | that if the ABLE Commission has, during such twelve-month period,
10 | suspended any license sought to be renewed, such renewal application
11 | may be approved if the term of the suspension has been completed and
12 | the applicant has complied with any special conditions imposed in
13 | connection with the suspension;

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

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

18 | 8. That the applicant, within twelve (12) months next preceding
19 | the date of application, has been the holder of a license revoked
20 | for cause;

21 | 9. That the applicant is not the real party in interest, or
22 | intends to carry on the business authorized by the license as the
23 | agent of another;

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

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

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

8 13. That, in the case of an application for a wine and spirits
9 wholesaler license or beer distributor license, any brewer or
10 manufacturer, including an officer, director or principal
11 stockholder thereof or any partner, has any financial interest in
12 the business to be conducted under the license, unless otherwise
13 permitted by law;

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

17 15. That, in the case of an application for a wine and spirits
18 wholesaler or beer distributor license, the applicant or any
19 partner, or spouse of the applicant or any partner, is the holder or
20 partner of the holder of any other class of license issued under the
21 provisions of the Oklahoma Alcoholic Beverage Control Act, other
22 than an agent or employee license for employment by the applicant,
23 or a storage license, bonded warehouse license, carrier license or
24 private carrier license; provided, nothing shall prohibit a wine and

1 spirits wholesaler, who is otherwise qualified, from maintaining
2 beer distributor licenses in the state, nor a beer distributor, who
3 is otherwise qualified, from maintaining a wine and spirits
4 wholesaler license in the state;

5 16. That, in the case of an application for a retail spirits,
6 retail wine or retail beer license, the applicant or any partner is
7 the holder or partner of the holder, or employee of such holder of
8 any other class of license issued under the provisions of the
9 Oklahoma Alcoholic Beverage Control Act, other than a storage
10 license or an employee license for the proposed licensed premises of
11 the applicant, provided, nothing in this title shall prohibit an
12 applicant for a retail wine and/or retail beer license from
13 maintaining a separate mixed beverage, caterer, mixed
14 beverage/caterer combination license, and/or an on-premises beer and
15 wine license; or

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

20 B. A beer distributor licensee and wine and spirits wholesaler
21 licensee under common ownership shall not be limited in the types of
22 business entities which may obtain a wine and spirits wholesaler
23 license. Nothing in this subsection shall be construed to apply to
24 a retail spirits license due to the need for strict liability

related to sales directly to consumers and in the interest of public safety.

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

Passed the House of Representatives the 5th day of May, 2025.

Presiding Officer of the House of
Representatives

Passed the Senate the _____ day of _____, 2025.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1031

3 By: Daniels of the Senate

4 and

5 Moore of the House

6 An Act relating to alcoholic beverage licenses;
7 amending 37A O.S. 2021, Section 2-146, as amended by
8 Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp.
9 2024, Section 2-146), which relates to grounds for
denial of certain licenses; modifying applicability
of certain exception; and providing an effective
date.

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

12 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-146, as
13 amended by Section 2, Chapter 192, O.S.L. 2022 (37A O.S. Supp. 2024,
14 Section 2-146), is amended to read as follows:

15 Section 2-146. A. The ABLE Commission shall refuse to issue a
16 wine and spirits wholesaler, beer distributor, retail spirits,
17 retail wine or retail beer license, either on an original
18 application or a renewal application, if it has reasonable grounds
19 to believe and finds any of the following to be true:

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

1 2. That the applicant is under twenty-one (21) years of age;
2 3. That the applicant or any partner, or spouse of the
3 applicant or any partner, has been convicted of a felony;
4 4. That the applicant or any partner, or spouse of the
5 applicant or any partner, has been convicted of a violation of any
6 state or federal law relating to alcoholic beverages, has forfeited
7 a bond while any charge of such violation was pending, nor may any
8 license be granted for any purpose under the Oklahoma Alcoholic
9 Beverage Control Act to an Oklahoma resident, who has held or whose
10 spouse has held a Federal Liquor Stamp in Oklahoma before the
11 adoption of Article XXVIII-A of the Oklahoma Constitution unless the
12 Liquor Stamp was granted for supplying alcoholic beverages to a
13 federal military installation, or was granted under the Oklahoma
14 Alcoholic Beverage Control Act;

15 5. That the applicant or any partner has, within twelve (12)
16 months next preceding the date of the application, violated any
17 provision of the Oklahoma Alcoholic Beverage Control Act or rule of
18 the ABLE Commission promulgated pursuant hereto. Provided, however,
19 that if the ABLE Commission has, during such twelve-month period,
20 suspended any license sought to be renewed, such renewal application
21 may be approved if the term of the suspension has been completed and
22 the applicant has complied with any special conditions imposed in
23 connection with the suspension;

- 1 6. That the applicant is in the habit of using alcoholic
2 beverages to excess or is mentally incapacitated;
- 3 7. That the applicant does not own or have a written lease for
4 the premises for which a license is sought;
- 5 8. That the applicant, within twelve (12) months next preceding
6 the date of application, has been the holder of a license revoked
7 for cause;
- 8 9. That the applicant is not the real party in interest, or
9 intends to carry on the business authorized by the license as the
10 agent of another;
- 11 10. That the applicant, in the case of an application for
12 renewal of any license, would not be eligible for such license on a
13 first application;
- 14 11. That the applicant is a person who appoints or is a law
15 enforcement official or is an employee of the ABLE Commission;
- 16 12. That the proposed location of the licensed premises would
17 violate a valid municipal nondiscriminatory zoning ordinance;
- 18 13. That, in the case of an application for a wine and spirits
19 wholesaler license or beer distributor license, any brewer or
20 manufacturer, including an officer, director or principal
21 stockholder thereof or any partner, has any financial interest in
22 the business to be conducted under the license, unless otherwise
23 permitted by law;

1 14. That the issuance of the license applied for would result
2 in a violation of any provision of the Oklahoma Alcoholic Beverage
3 Control Act;

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

16 16. That, in the case of an application for a retail spirits,
17 retail wine or retail beer license, the applicant or any partner is
18 the holder or partner of the holder, or employee of such holder of
19 any other class of license issued under the provisions of the
20 Oklahoma Alcoholic Beverage Control Act, other than a storage
21 license or an employee license for the proposed licensed premises of
22 the applicant, provided, nothing in this title shall prohibit an
23 applicant for a retail wine and/or retail beer license from
24 maintaining a separate mixed beverage, caterer, mixed

1 beverage/caterer combination license, and/or an on-premises beer and
2 wine license; or

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

7 B. The provisions of this section shall not operate to prohibit
8 the issuance of ~~a:~~

9 1. A beer distributor license held by a wine and spirits
10 wholesaler;

11 2. A wine and spirits wholesaler license held by a beer
12 distributor; or

13 3. A beer distributor license,
14 to a corporation ~~or partnership or,~~ limited liability company, or
15 any form of partnership authorized by Title 54 of the Oklahoma
16 Statutes.

17 SECTION 3. This act shall become effective November 1, 2025.
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Passed the Senate the 26th day of February, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the _____ day of _____,
2025.

Presiding Officer of the House
of Representatives