

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3641

 By: Dempsey and **Humphrey** of the
 House

 and

Coleman of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to alcoholic beverages; providing
13 that a holder of a small farm winery or winemaker
14 license may serve free samples and sell other items;
15 providing wine may be served at off-premises
16 locations; providing that at public events the
17 location occupied by the small farm winery or
18 winemaker licensee becomes a licensed premises and
19 extension of the licensed small farm winery or
20 winemaker; requiring a licensee to establish a
 serving area; providing that multiple licensees may
21 combine their serving areas; amending 37A O.S. 2021,
22 Section 2-103, which relates to distiller's licenses;
23 allowing holders of a distiller's license to open
24 satellite locations; providing allowed activities and
 sales that may occur at satellite locations;
 providing for codification; and providing an
 effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
3 is created a duplication in numbering, reads as follows:

4 A holder of a small farm winery or winemaker license, which
5 serves wine for on-premises or off-premises consumption, shall be
6 allowed to serve free samples, or sell Oklahoma-manufactured wine,
7 mulled wine, or spiced wine, mixed with nonalcoholic beverages, or
8 food items such as water, sugar, fruits, and vegetables, at any
9 temperature. Wine produced by a holder of a small farm winery or
10 winemaker license may be served at any public events including, but
11 not limited to, festivals, trade shows, boat shows, RV shows, home
12 and garden shows, fairs, car shows, swap meets, city events, county
13 events, or state events for either on-premises or off-premises
14 consumption. This includes any public events that are held at
15 premises which hold a retail beer license, retail spirits license,
16 mixed beverage license, beer and wine license, caterer's license,
17 special event license, public event license, winemaker license,
18 charitable auction license, or brewpub license. At public events,
19 the location within the event occupied by the small farm winery or
20 winemaker licensee becomes a licensed premises and extension of the
21 licensed small farm winery or winemaker. The licensee shall set up
22 and define an area contiguous to its booth space as a serving area
23 where the wine is dispensed. The licensee may only serve the wine
24 in the serving area. In the event that multiple winemakers are at

1 the same public event, they may combine their serving areas into one
2 larger area as long as they are contiguous to the winemakers'
3 booths.

4 SECTION 2. AMENDATORY 37A O.S. 2021, Section 2-103, is
5 amended to read as follows:

6 Section 2-103. A. A distiller license shall authorize the
7 holder thereof:

8 1. To manufacture, bottle, package and store spirits on
9 licensed premises;

10 2. To sell spirits in this state to licensed wholesalers and
11 manufacturers ~~only~~;

12 3. To sell spirits out of this state to qualified persons⁺l to
13 purchase from licensed distillers and rectifiers in this state, and
14 import spirits from without this state for manufacturing purposes in
15 accordance with federal laws and regulations;

16 4. To serve free samples of spirits produced only by the
17 licensee to visitors twenty-one (21) years of age and older. For
18 purposes of this section, no visitor may sample more than a total of
19 three (3) fluid ounces of spirits per day. The distiller shall
20 restrict the distribution and consumption of spirits samples to an
21 area within the licensed premises designated by the distiller. A
22 current floor plan that includes the designated sampling area shall
23 be on file with the ABLE Commission. No visitor under twenty-one
24 (21) years of age shall be permitted to enter the designated

1 sampling area when samples are being distributed and consumed.
2 Samples of spirits served by a distiller under this section shall
3 not be considered a sale of spirits within the meaning of Article
4 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
5 title; provided, such samples of spirits shall be considered removed
6 or withdrawn from the distillery for use or consumption within the
7 meaning of Section 5-110 of this title for excise tax determination
8 and reporting requirements;

9 5. To sell spirits produced by the licensee for either on-
10 premises or off-premises consumption to consumers on the licensed
11 distillery premises or in an area controlled by the licensee located
12 contiguous to the licensed distillery premises. Product offered for
13 sale by the Oklahoma-licensed distiller will have been sold to and
14 shipped to an Oklahoma licensed wine and spirits wholesaler and then
15 made available for purchase by the Oklahoma-licensed distiller ~~for~~
16 to sale; and

17 6. To sell spirits at public events such as trade shows or
18 festivals. Products offered for sale by the Oklahoma licensed
19 distiller will have been sold to and shipped to an Oklahoma licensed
20 wine and spirits wholesaler and then made available for purchase by
21 the Oklahoma licensed distiller; and

22 7. To establish distiller's satellite locations, which shall be
23 considered extensions of the distiller's licensed premises, where
24 the distiller's products may be tasted, sampled, and served for on-

1 premises consumption and the holder of a distiller's license is
2 permitted to sell the distiller's products in sealed containers,
3 provided that the distiller's license is active and in good standing
4 and the product offered for sale by the Oklahoma licensed distiller
5 will have first been sold to and shipped to an Oklahoma licensed
6 wine and spirit wholesaler and then made available for purchase by
7 the Oklahoma licensed distiller to sell. The spirits sold at a
8 satellite tasting room must have been produced and manufactured by
9 the holder of the distiller license.

10 B. Spirits sold pursuant to paragraphs 5 ~~and~~, 6, and 7 of
11 subsection A of this section shall not exceed fifteen thousand
12 (15,000) gallons per calendar year in combination.

13 SECTION 3. This act shall become effective November 1, 2022.

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15 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
16 SUBSTANCES, dated 03/03/2022 - DO PASS, As Amended and Coauthored.

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