

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3353

By: Marti

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to alcoholic beverages; amending 37A  
10 O.S. 2021, Section 2-107, which relates to wine and  
11 spirits wholesaler license; providing for the ability  
12 to sell to a charitable organization; and declaring  
13 an emergency.

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

15                   SECTION 1.           AMENDATORY           37A O.S. 2021, Section 2-107, is  
16 amended to read as follows:

17                   Section 2-107. A. A wine and spirits wholesaler license shall  
18 authorize the holder thereof:

19                   1. To purchase and import into this state spirits and wines  
20 from persons authorized to sell same who are the holders of a  
21 manufacturer or nonresident seller license, and their agents who are  
22 the holders of manufacturer's agent licenses;

23                   2. To purchase spirits and wines from licensed distillers,  
24 rectifiers and winemakers in this state;

1 3. To purchase spirits and wines from licensed wholesalers, to  
2 the extent set forth in subsections B and C of this section;

3 4. To sell in retail containers in this state to retailers~~T~~i  
4 mixed beverage, caterer, special event, public event, hotel beverage  
5 or airline/railroad beverage licensees~~T~~i; or to a charitable  
6 organization spirits and wines which have been received and unloaded  
7 at the bonded warehouse facilities of the wholesaler before such  
8 sale;

9 5. To sell to licensed wholesalers, to the extent set forth in  
10 subsections B and C of this section, spirits and wines which have  
11 been received and unloaded at the bonded warehouse facilities of the  
12 wholesaler before such sale;

13 6. To sell spirits and wines out of this state to qualified  
14 persons; and

15 7. To sell to licensed distillers spirits that were  
16 manufactured by that distiller and which have been received and  
17 unloaded at a bonded warehouse facility of a wholesaler before such  
18 sale.

19 Provided, however, sales of spirits and wine in containers with  
20 a capacity of less than one-twentieth (1/20) gallon by a holder of a  
21 wholesaler license shall be in full case lots and in the original  
22 unbroken case. Wholesalers shall be authorized to place such signs  
23 outside their place of business as are required by Acts of Congress  
24 and by such laws and regulations promulgated under such Acts.

1 B. A wholesaler may sell spirits and wine to other wholesalers  
2 or purchase spirits and wines from other wholesalers without  
3 complying with subsection A of this section in the case of the sale,  
4 purchase or other transfer or acquisition of the entire business of  
5 a wholesaler including the inventory of spirits and wine.

6 C. A wholesaler license shall authorize the holder thereof to:

7 1. Maintain not more than three (3) self-owned or leased and  
8 self-operated bonded warehouses within this state. All invoices  
9 shall be stored at the principal place of business for which the  
10 wholesaler license was granted; and

11 2. Accept as payment cash, personal check, cashier's check,  
12 money order or electronic fund transfer from persons licensed to  
13 purchase alcoholic beverages; provided, a wholesaler shall not be  
14 permitted to accept payment by credit card.

15 SECTION 2. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

19

20 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
21 SUBSTANCES, dated 02/29/2024 - DO PASS, As Amended.

22

23

24

25