

1 **SENATE FLOOR VERSION**

2 February 20, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 800

5 By: Coleman

6 [alcoholic beverages - license - election -
7 effective date]
8

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

10 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-105, is
11 amended to read as follows:

12 Section 2-105. A. A winemaker self-distribution license shall
13 authorize a licensed winemaker within or without this state which is
14 permitted by Article ~~XXVIII~~ XXVIII-A of the Oklahoma Constitution
15 and this section:

16 1. To distribute its wine directly to retail spirits, retail
17 wine and retail beer licensees, mixed beverage licensees, beer and
18 wine licensees, and restaurants in this state; and

19 2. If such a winemaker elects to do so, to sell and deliver its
20 wines directly to licensed retail package stores, mixed beverage
21 licensees, beer and wine licensees, and restaurants in this state in
22 full case lots only, and in accordance with the provisions of the
23 Oklahoma Alcoholic Beverage Control Act and such rules as the ABLE
24 Commission shall promulgate.

1 B. A winemaker either within or without this state that
2 annually produces no more than fifteen thousand (15,000) gallons of
3 wine may elect to sell and self-distribute the wine produced by such
4 winemaker directly to licensed retail package stores, mixed beverage
5 licensees, beer and wine licensees, and restaurants in this state;
6 provided:

7 1. Any such winemaker which elects to directly sell its wine to
8 package stores, mixed beverage licensees, beer and wine licensees,
9 and restaurants shall not also use a licensed wholesale distributor
10 as a means of distribution, and shall be required to sell its wines
11 to every package store, mixed beverage licensee, beer and wine
12 licensee, and restaurant licensee who desires to purchase the same,
13 on the same price basis and without discrimination;

14 2. If a winemaker or winery sells directly to a retail package
15 store, mixed beverage licensee, beer and wine licensee, or
16 restaurant, the winemaker shall transport the wine from the
17 winemaker's winery to the premises where the wine is to be delivered
18 only in vehicles owned or leased by the winemaker and not by common
19 or private contract carrier and shall obtain all necessary permits
20 as required by the Oklahoma Alcoholic Beverage Control Act; and

21 3. If the production volume limit applicable to winemakers is
22 ruled to be unconstitutional by a court of competent jurisdiction,
23 then no winemaker shall be permitted to directly sell its wine to
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1 retail package stores, non-package-store retailers, mixed beverage
2 licensees, beer and wine licensees, or restaurants in this state.

3 C. A licensed winemaker or winery may distribute wine produced
4 only by such license holder to a holder of a retail beer license,
5 retail spirits license, mixed beverage license, beer and wine
6 license, caterer's license, special event license, public event
7 license, charitable auction license, or brewpub license. A
8 winemaker or winery shall elect whether to distribute through a
9 licensed distributor or self-distribute in a subject territory;
10 provided, the winemaker or winery license holder shall not elect to
11 do both simultaneously in a subject territory. The election shall
12 be made through notice to the ABLE Commission. Any changes to the
13 election shall require immediate notification to the ABLE Commission
14 before the change in election shall take effect.

15 SECTION 2. This act shall become effective November 1, 2023.

16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
17 February 20, 2023 - DO PASS AS AMENDED

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