

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3641 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Eddy Dempsey _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3641

6 By: Dempsey and Humphrey of the
7 House

8 and

9 Coleman of the Senate

10 FLOOR SUBSTITUTE

11 An Act relating to alcoholic beverages; providing
12 that a holder of a small farm winery, winemaker, or
13 small brewer license may serve free samples and sell
14 other items; providing that wine or beer may be
15 served at off-premises locations; providing that at
16 public events the location occupied by the small farm
17 winery, winemaker, or small brewer licensee becomes a
18 licensed premises and extension of the licensed small
19 farm winery, winemaker, or small brewer; requiring a
20 licensee to establish a serving area; providing that
21 multiple licensees may combine their serving areas;
22 amending 37A O.S. 2021, Section 1-103, which relates
23 to definitions for the Oklahoma Alcoholic Beverage
24 Control Act; modifying definition; amending 37A O.S.
2021, Section 2-103, which relates to distiller's
licenses; allowing holders of a distiller's license
to open satellite locations; providing allowed
activities and sales that may occur at satellite
locations; amending 37A O.S. 2021, Section 2-160,
which relates to satellite tasting room licenses;
allowing holders of small brewer license to obtain a
satellite tasting room license; providing for
codification; and providing an effective date.

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

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

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

1 its booth space as a serving area where the wine or beer is
2 dispensed. The licensee may only serve the wine or beer in the
3 serving area. In the event that multiple winemakers or brewers are
4 at the same public event, they may combine their serving areas into
5 one larger area as long as they are contiguous to the winemakers' or
6 brewers' booths. A small farm winery, winemaker, or small brewer
7 licensee shall not be required to secure or control the public event
8 premises once the Oklahoma-manufactured beer, wine, mulled wine, or
9 spiced wine, mixed with nonalcoholic beverages, or food items such
10 as water, sugar, fruits, and vegetables, at any temperature, is
11 served.

12 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-103, is
13 amended to read as follows:

14 Section 1-103. As used in the Oklahoma Alcoholic Beverage
15 Control Act:

16 1. "ABLE Commission" or "Commission" means the Alcoholic
17 Beverage Laws Enforcement Commission;

18 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
19 alcohol, ethanol or spirits of wine, from whatever source or by
20 whatever process produced. It does not include wood alcohol or
21 alcohol which has been denatured or produced as denatured in
22 accordance with Acts of Congress and regulations promulgated
23 thereunder;

24

1 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
2 as those terms are defined herein and also includes every liquid or
3 solid, patented or not, containing alcohol, spirits, wine or beer
4 and capable of being consumed as a beverage by human beings;

5 4. "Applicant" means any individual, legal or commercial
6 business entity, or any individual involved in any legal or
7 commercial business entity allowed to hold any license issued in
8 accordance with the Oklahoma Alcoholic Beverage Control Act;

9 5. "Beer" means any beverage of alcohol by volume and obtained
10 by the alcoholic fermentation of an infusion or decoction of barley,
11 or other grain, malt or similar products. "Beer" may or may not
12 contain hops or other vegetable products. "Beer" includes, among
13 other things, beer, ale, stout, lager beer, porter and other malt or
14 brewed liquors, but does not include sake, known as Japanese rice
15 wine;

16 6. "Beer keg" means any brewer-sealed, single container that
17 contains not less than four (4) gallons of beer;

18 7. "Beer distributor" means and includes any person licensed to
19 distribute beer for retail sale in the state, but does not include a
20 holder of a small brewer self-distribution license or brewpub self-
21 distribution license. The term "distributor", as used in the
22 Oklahoma Alcoholic Beverage Control Act, shall be construed to refer
23 to a beer distributor;

24

1 8. "Bottle club" means any establishment in a county which has
2 not authorized the retail sale of alcoholic beverages by the
3 individual drink, which is required to be licensed to keep, mix and
4 serve alcoholic beverages belonging to club members on club
5 premises;

6 9. "Bottle service" means the sale and provision of spirits in
7 their original packages by a mixed beverage licensee to be consumed
8 in that mixed beverage licensee's club suite;

9 10. "Brand" means any word, name, group of letters, symbol or
10 combination thereof, that is adopted and used by a licensed brewer
11 to identify a specific beer, wine or spirit and to distinguish that
12 product from another beer, wine or spirit;

13 11. "Brand extension" means:

14 a. after October 1, 2018, any brand of beer or cider
15 introduced by a manufacturer in this state which
16 either:

17 (1) incorporates all or a substantial part of the
18 unique features of a preexisting brand of the
19 same licensed brewer, or

20 (2) relies to a significant extent on the goodwill
21 associated with the preexisting brand, or

22 b. any brand of beer that a brewer, the majority of whose
23 total volume of all brands of beer distributed in this
24 state by such brewer on January 1, 2016, was

1 distributed as low-point beer, desires to sell,
2 introduces, begins selling or theretofore has sold and
3 desires to continue selling a strong beer in this
4 state which either:

- 5 (1) incorporates or incorporated all or a substantial
6 part of the unique features of a preexisting low-
7 point beer brand of the same licensed brewer, or
8 (2) relies or relied to a significant extent on the
9 goodwill associated with a preexisting low-point
10 beer brand;

11 12. "Brewer" means and includes any person who manufactures for
12 human consumption by the use of raw materials or other ingredients
13 any beer or cider upon which a license fee and a tax are imposed by
14 any law of this state;

15 13. "Brewpub" means a licensed establishment operated on the
16 premises of, or on premises located contiguous to, a small brewer,
17 that prepares and serves food and beverages, including alcoholic
18 beverages, for on-premises consumption;

19 14. "Cider" means any alcoholic beverage obtained by the
20 alcoholic fermentation of fruit juice, including but not limited to
21 flavored, sparkling or carbonated cider. For the purposes of the
22 manufacture of this product, cider may be manufactured by either
23 manufacturers or brewers. For the purposes of the distribution of
24

1 this product, cider may be distributed by either wine and spirits
2 wholesalers or beer distributors;

3 15. "Club suite" means a designated area within the premises of
4 a mixed beverage licensee designed to provide an exclusive space
5 which is limited to a patron or patrons specifically granted access
6 by a mixed beverage licensee and is not accessible to other patrons
7 of the mixed beverage licensee or the public. A club suite must
8 have a clearly designated point of access for a patron or patrons
9 specifically granted access by the mixed beverage licensee to ensure
10 that persons present in the suite are limited to patrons
11 specifically granted access by the mixed beverage licensee and
12 employees providing services to the club suite;

13 16. "Convenience store" means any person primarily engaged in
14 retailing a limited range of general household items and groceries,
15 with extended hours of operation, whether or not engaged in retail
16 sales of automotive fuels in combination with such sales;

17 17. "Convicted" and "conviction" mean and include a finding of
18 guilt resulting from a plea of guilty or nolo contendere, the
19 decision of a court or magistrate or the verdict of a jury,
20 irrespective of the pronouncement of judgment or the suspension
21 thereof;

22 18. "Designated products" means the brands of wine or spirits
23 offered for sale by a manufacturer that the manufacturer has
24 assigned to a designated wholesaler for exclusive distribution;

1 19. "Designated wholesaler" means a wine and spirits wholesaler
2 who has been selected by a manufacturer as a wholesaler appointed to
3 distribute designated products;

4 20. "Director" means the Director of the ABLE Commission;

5 21. "Distiller" means any person who produces spirits from any
6 source or substance, or any person who brews or makes mash, wort or
7 wash, fit for distillation or for the production of spirits (except
8 a person making or using such material in the authorized production
9 of wine or beer, or the production of vinegar by fermentation), or
10 any person who by any process separates alcoholic spirits from any
11 fermented substance, or any person who, making or keeping mash, wort
12 or wash, has also in his or her possession or use a still;

13 22. "Distributor agreement" means the written agreement between
14 the distributor and brewer as set forth in Section 3-108 of this
15 title;

16 23. "Drug store" means a person primarily engaged in retailing
17 prescription and nonprescription drugs and medicines;

18 24. "Dual-strength beer" means a brand of beer that,
19 immediately prior to April 15, 2017, was being sold and distributed
20 in this state:

21 a. as a low-point beer pursuant to the Low-Point Beer
22 Distribution Act in effect immediately prior to
23 October 1, 2018, and
24

1 b. as strong beer pursuant to the Alcoholic Beverage
2 Control Act in effect immediately prior to October 1,
3 2018,
4 and continues to be sold and distributed as such on October 1, 2018.
5 Dual-strength beer does not include a brand of beer that arose as a
6 result of a brand extension as defined in this section;

7 25. "Fair market value" means the value in the subject
8 territory covered by the written agreement with the distributor or
9 wholesaler that would be determined in an arm's length transaction
10 entered into without duress or threat of termination of the
11 distributor's or wholesaler's rights and shall include all elements
12 of value, including goodwill and going-concern value;

13 26. "Good cause" means:

14 a. failure by the distributor to comply with the material
15 and reasonable provisions of a written agreement or
16 understanding with the brewer, or

17 b. failure by the distributor to comply with the duty of
18 good faith;

19 27. "Good faith" means the duty of each party to any
20 distributor agreement and all officers, employees or agents thereof
21 to act with honesty in fact and within reasonable standards of fair
22 dealing in the trade;

23 28. "Grocery store" means a person primarily engaged in
24 retailing a general line of food, such as canned or frozen foods,

1 fresh fruits and vegetables, and fresh and prepared meats, fish and
2 poultry;

3 29. "Hotel" or "motel" means an establishment which is licensed
4 to sell alcoholic beverages by the individual drink and which
5 contains guestroom accommodations with respect to which the
6 predominant relationship existing between the occupants thereof and
7 the owner or operator of the establishment is that of innkeeper and
8 guest. For purposes of this section, the existence of other legal
9 relationships as between some occupants and the owner or operator
10 thereof shall be immaterial;

11 30. "Legal newspaper" means a newspaper meeting the requisites
12 of a newspaper for publication of legal notices as prescribed in
13 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

14 31. "Licensee" means any person holding a license under the
15 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
16 employee of such licensee while in the performance of any act or
17 duty in connection with the licensed business or on the licensed
18 premises;

19 32. "Low-point beer" shall mean any beverages containing more
20 than one-half of one percent (1/2 of 1%) alcohol by volume, and not
21 more than three and two-tenths percent (3.2%) alcohol by weight,
22 including, but not limited to, beer or cereal malt beverages
23 obtained by the alcoholic fermentation of an infusion by barley or
24 other grain, malt or similar products;

1 33. "Manufacturer" means a distiller, winemaker, rectifier or
2 bottler of any alcoholic beverage (other than beer) and its
3 subsidiaries, affiliates and parent companies;

4 34. "Manufacturer's agent" means a salaried or commissioned
5 salesperson who is the agent authorized to act on behalf of the
6 manufacturer or nonresident seller in the state;

7 35. "Meals" means foods commonly ordered at lunch or dinner and
8 at least part of which is cooked on the licensed premises and
9 requires the use of dining implements for consumption. Provided,
10 that the service of only food such as appetizers, sandwiches, salads
11 or desserts shall not be considered "meals";

12 36. "Mini-bar" means a closed container, either refrigerated in
13 whole or in part, or nonrefrigerated, and access to the interior of
14 which is:

- 15 a. restricted by means of a locking device which requires
- 16 the use of a key, magnetic card or similar device, or
- 17 b. controlled at all times by the licensee;

18 37. "Mixed beverage cooler" means any beverage, by whatever
19 name designated, consisting of an alcoholic beverage and fruit or
20 vegetable juice, fruit or vegetable flavorings, dairy products or
21 carbonated water containing more than one-half of one percent (1/2
22 of 1%) of alcohol measured by volume but not more than seven percent
23 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
24 packaged in a container not larger than three hundred seventy-five

1 (375) milliliters. Such term shall include but not be limited to
2 the beverage popularly known as a "wine cooler";

3 38. "Mixed beverages" means one or more servings of a beverage
4 composed in whole or part of an alcoholic beverage in a sealed or
5 unsealed container of any legal size for consumption on the premises
6 where served or sold by the holder of a mixed beverage, beer and
7 wine, caterer, public event, charitable event or special event
8 license;

9 39. "Motion picture theater" means an establishment which is
10 licensed by Section 2-110 of this title to sell alcoholic beverages
11 by the individual drink and where motion pictures are exhibited, and
12 to which the general public is admitted;

13 40. "Nondesignated products" means the brands of wine or
14 spirits offered for sale by a manufacturer that have not been
15 assigned to a designated wholesaler;

16 41. "Nonresident seller" means any person licensed pursuant to
17 Section 2-135 of this title;

18 42. "Retail salesperson" means a salesperson soliciting orders
19 from and calling upon retail alcoholic beverage stores with regard
20 to his or her product;

21 43. "Occupation" as used in connection with "occupation tax"
22 means the sites occupied as the places of business of the
23 manufacturers, brewers, wholesalers, beer distributors, retailers,
24

1 mixed beverage licensees, on-premises beer and wine licensees,
2 bottle clubs, caterers, public event and special event licensees;

3 44. "Original package" means any container of alcoholic
4 beverage filled and stamped or sealed by the manufacturer or brewer;

5 45. "Package store" means any sole proprietor or partnership
6 that qualifies to sell wine, beer and/or spirits for off-premises
7 consumption and that is not a grocery store, convenience store or
8 drug store, or other retail outlet that is not permitted to sell
9 wine or beer for off-premises consumption;

10 46. "Patron" means any person, customer or visitor who is not
11 employed by a licensee or who is not a licensee;

12 47. "Person" means an individual, any type of partnership,
13 corporation, association, limited liability company or any
14 individual involved in the legal structure of any such business
15 entity;

16 48. "Premises" means the grounds and all buildings and
17 appurtenances pertaining to the grounds including any adjacent
18 premises if under the direct or indirect control of the licensee and
19 the rooms and equipment under the control of the licensee and used
20 in connection with or in furtherance of the business covered by a
21 license. Provided that the ABLE Commission shall have the authority
22 to designate areas to be excluded from the licensed premises solely
23 for the purpose of:

24

- 1 a. allowing the presence and consumption of alcoholic
2 beverages by private parties which are closed to the
3 general public, or
4 b. allowing the services of a caterer serving alcoholic
5 beverages provided by a private party.

6 This exception shall in no way limit the licensee's concurrent
7 responsibility for any violations of the Oklahoma Alcoholic Beverage
8 Control Act occurring on the licensed premises;

9 49. "Private event" means a social gathering or event attended
10 by invited guests who share a common cause, membership, business or
11 task and have a prior established relationship. For purposes of
12 this definition, advertisement for general public attendance or
13 sales of tickets to the general public shall not constitute a
14 private event;

15 50. "Public event" means any event that can be attended by the
16 general public;

17 51. "Rectifier" means any person who rectifies, purifies or
18 refines spirits or wines by any process (other than by original and
19 continuous distillation, or original and continuous processing, from
20 mash, wort, wash or other substance, through continuous closed
21 vessels and pipes, until the production thereof is complete), and
22 any person who, without rectifying, purifying or refining spirits,
23 shall by mixing (except for immediate consumption on the premises
24 where mixed) such spirits, wine or other liquor with any material,

1 manufactures any spurious, imitation or compound liquors for sale,
2 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
3 or any other name;

4 52. "Regulation" or "rule" means a formal rule of general
5 application promulgated by the ABLE Commission as herein required;

6 53. "Restaurant" means an establishment that is licensed to
7 sell alcoholic beverages by the individual drink for on-premises
8 consumption and where food is prepared and sold for immediate
9 consumption on the premises;

10 54. "Retail container for spirits and wines" means an original
11 package of any capacity approved by the United States Bureau of
12 Alcohol, Tobacco and Firearms;

13 55. "Retailer" means a package store, grocery store,
14 convenience store or drug store licensed to sell alcoholic beverages
15 for off-premises consumption pursuant to a Retail Spirits License,
16 Retail Wine License or Retail Beer License;

17 56. "Sale" means any transfer, exchange or barter in any manner
18 or by any means whatsoever, and includes and means all sales made by
19 any person, whether as principal, proprietor or as an agent, servant
20 or employee. The term "sale" is also declared to be and include the
21 use or consumption in this state of any alcoholic beverage obtained
22 within or imported from without this state, upon which the excise
23 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
24 been paid or exempted;

1 57. "Short-order food" means food other than full meals
2 including but not limited to sandwiches, soups and salads. Provided
3 that popcorn, chips and other similar snack food shall not be
4 considered "short-order food";

5 58. "Small brewer" means a brewer who manufactures less than
6 sixty-five thousand barrels of beer annually pursuant to a validly
7 issued Small Brewer License hereunder;

8 59. "Small farm wine" means a wine that is produced by a small
9 farm winery with seventy-five percent (75%) or more Oklahoma-grown
10 grapes, berries, other fruits, honey or vegetables;

11 60. "Small farm winery" means a wine-making establishment that
12 does not annually produce for sale more than fifteen thousand
13 (15,000) gallons of wine as reported on the United States Department
14 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
15 Wine Premises Operations (TTB Form 5120.17);

16 61. "Sparkling wine" means champagne or any artificially
17 carbonated wine;

18 62. "Special event" means an entertainment, recreation or
19 marketing event that occurs at a single location on an irregular
20 basis and at which alcoholic beverages are sold;

21 63. "Spirits" means any beverage other than wine or beer, which
22 contains more than one-half of one percent (1/2 of 1%) alcohol
23 measured by volume, and obtained by distillation, whether or not
24 mixed with other substances in solution and includes those products

1 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
2 fortified wines and similar compounds, but shall not include any
3 alcohol liquid completely denatured in accordance with the Acts of
4 Congress and regulations pursuant thereto;

5 64. "Strong beer" means beer which, prior to October 1, 2018,
6 was distributed pursuant to the Oklahoma Alcoholic Beverage Control
7 Act, Section 501 et seq. of Title 37 of the Oklahoma Statutes;

8 65. "Successor brewer" means a primary source of supply, a
9 brewer, a cider manufacturer or an importer that acquires rights to
10 a beer or cider brand from a predecessor brewer;

11 66. "Tax Commission" means the Oklahoma Tax Commission;

12 67. "Territory" means a geographic region with a specified
13 boundary;

14 68. "Wine and spirits wholesaler" or "wine and spirits
15 distributor" means and includes any sole proprietorship or
16 partnership licensed to distribute wine and spirits in the state.
17 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
18 Control Act, shall be construed to refer to a wine and spirits
19 wholesaler;

20 69. "Wine" means and includes any beverage containing more than
21 one-half of one percent (1/2 of 1%) alcohol by volume and not more
22 than twenty-four percent (24%) alcohol by volume at sixty (60)
23 degrees Fahrenheit obtained by the fermentation of the natural
24 contents of fruits, vegetables, honey, milk or other products

1 containing sugar, whether or not other ingredients are added, and
2 includes vermouth and sake, known as Japanese rice wine;

3 70. "Winemaker" means and includes any person or establishment
4 who manufactures for human consumption any wine upon which a license
5 fee and a tax are imposed by any law of this state; and

6 71. "Satellite tasting room" means a licensed establishment
7 operated off the licensed premises of the holder of a small farm
8 winery, ~~or winemaker,~~ or small brewer license, which serves wine or
9 beer for on-premises or off-premises consumption.

10 Words in the plural include the singular, and vice versa, and
11 words imparting the masculine gender include the feminine, as well
12 as persons and licensees as defined in this section.

13 SECTION 3. AMENDATORY 37A O.S. 2021, Section 2-103, is
14 amended to read as follows:

15 Section 2-103. A. A distiller license shall authorize the
16 holder thereof:

17 1. To manufacture, bottle, package and store spirits on
18 licensed premises;

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

21 3. To sell spirits out of this state to qualified persons~~r,~~ r, to
22 purchase from licensed distillers and rectifiers in this state, and
23 import spirits from without this state for manufacturing purposes in
24 accordance with federal laws and regulations;

1 4. To serve free samples of spirits produced only by the
2 licensee to visitors twenty-one (21) years of age and older. For
3 purposes of this section, no visitor may sample more than a total of
4 three (3) fluid ounces of spirits per day. The distiller shall
5 restrict the distribution and consumption of spirits samples to an
6 area within the licensed premises designated by the distiller. A
7 current floor plan that includes the designated sampling area shall
8 be on file with the ABLE Commission. No visitor under twenty-one
9 (21) years of age shall be permitted to enter the designated
10 sampling area when samples are being distributed and consumed.
11 Samples of spirits served by a distiller under this section shall
12 not be considered a sale of spirits within the meaning of Article
13 XXVIII-A of the Oklahoma Constitution or Section 1-103 of this
14 title; provided, such samples of spirits shall be considered removed
15 or withdrawn from the distillery for use or consumption within the
16 meaning of Section 5-110 of this title for excise tax determination
17 and reporting requirements;

18 5. To sell spirits produced by the licensee for either on-
19 premises or off-premises consumption to consumers on the licensed
20 distillery premises or in an area controlled by the licensee located
21 contiguous to the licensed distillery premises. Product offered for
22 sale by the Oklahoma_licensed distiller will have been sold to and
23 shipped to an Oklahoma_licensed wine and spirits wholesaler and then
24

1 made available for purchase by the Oklahoma-licensed distiller ~~for~~
2 to sale; and

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

8 7. To establish distiller's satellite locations, which shall be
9 considered extensions of the distiller's licensed premises, where
10 the distiller's products may be tasted, sampled, and served for on-
11 premises consumption and the holder of a distiller's license is
12 permitted to sell the distiller's products in sealed containers,
13 provided that the distiller's license is active and in good standing
14 and the product offered for sale by the Oklahoma licensed distiller
15 will have first been sold to and shipped to an Oklahoma licensed
16 wine and spirit wholesaler and then made available for purchase by
17 the Oklahoma licensed distiller to sell. The spirits sold at a
18 satellite tasting room must have been produced and manufactured by
19 the holder of the distiller license.

20 B. Spirits sold pursuant to paragraphs 5 ~~and~~, 6, and 7 of
21 subsection A of this section shall not exceed fifteen thousand
22 (15,000) gallons per calendar year in combination.

23 SECTION 4. AMENDATORY 37A O.S. 2021, Section 2-160, is
24 amended to read as follows:

1 Section 2-160. A satellite tasting room license shall authorize
2 the holder of a small farm winery license, ~~or~~ winemaker license, or
3 small brewer license to operate no more than two satellite locations
4 in addition to ~~his or her~~ their licensed premises for the purpose of
5 providing tastings, samples and retail sales for on-premises or off-
6 premises consumption to consumers over twenty-one (21) years of age;
7 provided the wine or beer tasted, sampled or sold shall have been
8 produced/manufactured by the holder of a small farm winery, ~~or~~
9 winemaker, or small brewer license and shall have all manufacturing
10 taxes paid.

11 The holder of a small farm winery license, ~~or~~ winemaker license,
12 or small brewer license must obtain approval for each satellite
13 location from the city, town or municipality before submitting the
14 application to the ABLE Commission. The fee for licensing each
15 satellite location will be One Hundred Dollars (\$100.00) annually.

16 The small farm winery licensee, ~~or~~ winemaker licensee, or small
17 brewer licensee operating a satellite tasting room must keep such
18 license in good standing and is liable for any violation committed
19 on the premises of its satellite tasting rooms. Employees and
20 managers of the satellite tasting room must be trained in alcohol
21 handling, laws and regulations and hold a current alcohol servers
22 license and must be over twenty-one (21) years of age.

23 For purposes of this section, the term "tasting or tastings"
24 means the serving of free samples of the winemaker's products not to

1 exceed more than a total of six (6) fluid ounces of wine per person
2 aged twenty-one (21) years or older per day, or the serving of the
3 winemaker's products by individual drink purchased by the consumer
4 for on-premises consumption, or the retail sale of the winemaker's
5 products in sealed containers to an on-premises customer for off-
6 premises consumption, or any combination thereof.

7 SECTION 5. This act shall become effective November 1, 2022.

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9 58-2-11081 JL 03/14/22

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