STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3429

By: McEntire

AS INTRODUCED

An Act relating to alcoholic beverages; amending
Section 14, Chapter 366, O.S.L. 2016, as last amended
by Section 3, Chapter 322, O.S.L. 2019 (37A O.S.
Supp. 2019, Section 2-102), which relates to brewer
and small brewer licenses; authorizing holders of
multiple small brewer licenses to sell beer at
multiple locations; and providing an effective date.

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

SECTION 1. AMENDATORY Section 14, Chapter 366, O.S.L.
2016, as last amended by Section 3, Chapter 322, O.S.L. 2019 (37A
O.S. Supp. 2019, Section 2-102), is amended to read as follows:

Section 2-102. A. A brewer license shall authorize the holder
thereof:

1. To manufacture, bottle, package and store beer and cider on
the licensed premises; and

2. To sell beer and cider in this state to holders of beer
distributor licenses and to sell beer and cider out of this state to
qualified persons.

B. A small brewer license shall authorize the holder thereof:
1. To manufacture, bottle, package and store beer produced by the licensee on licensed premises;

2. To sell beer in this state to holders of beer distributor licenses and retail licenses or to sell beer out of this state to qualified persons;

3. To serve free samples of beer produced by the licensee to visitors twenty-one (21) years of age or older;

4. To sell beer produced by the licensee for either on-premises or off-premises consumption to consumers on the brewery premises, or on premises located contiguous thereto;

5. To sell beer at public events such as trade shows or festivals;

6. To purchase wine in retail containers from the holder of a wholesaler license or as specifically provided by law; and

7. To sell, offer for sale and possess wine for on-premises consumption.

C. The holder of multiple small brewer licenses may sell beer produced at any brewery for which the licensee has a license at any other brewery for which the licensee has a license, or on premises located contiguous thereto.

D. Nothing in this act the Alcoholic Beverage Control Act shall prohibit the holder of a small brewer license from also holding or owning an interest in the holder of a brewpub license.
For purposes of this section, no visitor may sample more than a total of twelve (12) fluid ounces of beer per day. The brewer must restrict the distribution and consumption of beer samples to an area within the licensed premises designated by the brewer. A current floor plan that includes the designated sampling area must be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter this designated sampling area when samples are being distributed or consumed. Samples of beer served by a brewery under this section shall not be considered a sale of beer within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of this title; however, such samples of beer shall be considered beer removed or withdrawn from the brewery for use or consumption within the meaning of Section 5-110 of this title for excise tax determination and reporting requirements. Sales and sampling may only occur between the hours of 10:00 a.m. and 2:00 a.m.

A small brewer self-distribution license shall authorize holders of a small brewer license to distribute beer produced only by such licensee to a holder of a retail beer license, retail spirits license, mixed beverage license, beer and wine license, caterer's license, special event license, public event license, charitable auction license or brewpub license. A small brewer shall elect whether it will distribute through a distributor or self-distribute in a subject territory; however, a small brewer may not
elect to do both simultaneously in a subject territory. The
election shall be made through notice to the ABLE Commission. Any
changes to the election shall require immediate notification to the
ABLE Commission before the change in election will take effect. A
small brewer that elects to self-distribute in multiple territories
shall only be required to have one small brewer self-distribution
license.

F. G. All manufacturer's licenses held by brewers during the
first calendar year beginning October 1, 2018, shall automatically
convert to brewer licenses and be deemed effective as of the date of
the first issuance of the manufacturer's license. Upon the first
renewal of said license, the brewer will need to obtain the
appropriate brewer's license. If a brewer elects to market wine and
spirits, the brewer will also be required to obtain a manufacturer's
license and comply with the rules and regulations for both licenses.

SECTION 2. This act shall become effective November 1, 2020.