

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3641

6 By: Dempsey

7 COMMITTEE SUBSTITUTE

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

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

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

23 A holder of a small farm winery or winemaker license, which  
24 serves wine for on-premises or off-premises consumption, shall be

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

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

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

3 1. To manufacture, bottle, package and store spirits on  
4 licensed premises;

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

7 3. To sell spirits out of this state to qualified persons~~+~~+ to  
8 purchase from licensed distillers and rectifiers in this state, and  
9 import spirits from without this state for manufacturing purposes in  
10 accordance with federal laws and regulations;

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

1 or withdrawn from the distillery for use or consumption within the  
2 meaning of Section 5-110 of this title for excise tax determination  
3 and reporting requirements;

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

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

17 7. To establish distiller's satellite locations, which shall be  
18 considered extensions of the distiller's licensed premises, where  
19 the distiller's products may be tasted, sampled, and served for on-  
20 premises consumption and the holder of a distiller's license is  
21 permitted to sell the distiller's products in sealed containers,  
22 provided that the distiller's license is active and in good standing  
23 and the product offered for sale by the Oklahoma licensed distiller  
24 will have first been sold to and shipped to an Oklahoma licensed

1 wine and spirit wholesaler and then made available for purchase by  
2 the Oklahoma licensed distiller to sell. The spirits sold at a  
3 satellite tasting room must have been produced and manufactured by  
4 the holder of the distiller license.

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

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

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