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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150 of Title 37, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall become effective only upon approval of the people of this state of a duly enrolled legislative measure proposing a state question or multiple state questions by legislative referendum(s) to amend and/or repeal all or part of Article XXVIII of the Oklahoma Constitution and remove certain restrictions, regulations, and control of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, and
beer, light beer, mixed beverage cooler, light wine, and wine as each is defined in Section 506 of Title 37 of the Oklahoma Statutes.

B. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of all alcoholic beverages in this state.

1. The exclusion in the Oklahoma Constitution, Article XXVIII, Section 2, for beer containing not more than three and two-tenths percent (3.2%) of alcohol by weight is hereby abolished.

2. The sale of beer and wine in incorporated cities and towns of this state wherein the sale of alcoholic beverages is lawful shall be available to the public through qualified licensed retail stores. The licenses for retail stores shall be issued by the ABLE Commission pursuant to statutory authority. The term “retail store” means a “retailer” as defined by Section 506 of Title 37 of the Oklahoma Statutes and a “retail dealer” as defined by Section 163.2 of Title 37 of the Oklahoma Statutes.

C. 1. Retail sales of alcoholic beverages shall be limited to the original sealed package by licensed privately owned and operated retail stores in cities and towns having a population in excess of two hundred (200) persons.

2. Goods, wares or merchandise may be sold on the same premises on which retail alcoholic beverages are sold, unless specifically proscribed by law or rule.
3. Beer and wine may be offered for sale at room temperature or chilled.

4. The space in which retail alcoholic beverages are sold or displayed must be able to be secured, and shall be secured, by a door or closure approved by the ABLE Commission during those times that retail sales of alcoholic beverages are prohibited. Alcoholic beverages may be sold by the licensee on days and at times not prohibited by law, rule or county prohibition.

5. Not more than one retail store license shall be issued to any person or general or limited partnership.

SECTION 2. AMENDATORY 37 O.S. 2011, Section 521, as last amended by Section 4, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2014, Section 521), is amended to read as follows:

Section 521. A. A brewer license shall authorize the holder thereof: To manufacture, bottle, package, and store beer on licensed premises; to sell beer in this state to holders of Class B wholesaler licenses and retail licenses and to sell beer out of this state to qualified persons; and to serve free samples of beer produced by the licensee to visitors twenty-one (21) years of age or older. 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 Oklahoma Alcoholic Beverage Laws Enforcement (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 may only be distributed or consumed between ten 10:00 a.m. and nine 9:00 p.m. Samples of beer served by a brewery under this section shall not be considered a "sale" of beer within the meaning of Article XXVIII of the Oklahoma Constitution or Section 506 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 542 of this title for excise tax determination and reporting requirements.

B. A distiller license shall authorize the holder thereof: To manufacture, bottle, package, and store spirits on licensed premises; to sell spirits in this state to licensed wholesalers and manufacturers only; to sell spirits out of this state to qualified persons; to purchase from licensed distillers and rectifiers in this state, and import spirits from without this state for manufacturing purposes in accordance with federal laws and regulations.

C. A winemaker license shall authorize the holder thereof: To manufacture (including such mixing, blending and cellar treatment as authorized by federal law), bottle, package, and store on licensed premises wine containing not more than twenty-four percent (24%) alcohol by volume, provided the bottle or package sizes authorized
shall be limited to the capacities approved by the United States Alcohol and Tobacco Tax and Trade Bureau; to sell wine in this state to licensed wholesalers and manufacturers; to sell bottles of wine produced at the winery from grapes and other fruits and berries grown in this state, if available, to consumers on the premises of the winery; to serve visitors on the licensed premises samples of wine produced on the premises; to serve samples of wine produced at the winery at festivals and trade shows; to sell wine produced at the winery, in original sealed containers, at festivals and trade shows; to sell wine out of this state to qualified persons; to purchase from licensed winemakers, distillers and rectifiers in this state, and to import into this state wine, brandy and fruit spirits for use in manufacturing in accordance with federal laws and regulations; provided, a winemaker either within or without this state that annually produces no more than ten thousand (10,000) gallons of wine may elect to sell and self-distribute the wine produced by such winemaker directly to licensed retail package stores and restaurants in this state; and provided further that:

1. Any such winemaker which elects to directly sell its wine to package stores and restaurants shall not also use a licensed wholesale distributor as a means of distribution, and shall be required to sell its wines to every package store and restaurant licensee who desires to purchase the same, on the same price basis and without discrimination;
2. If a winemaker or winery sells directly to a retail package store or restaurant, the winemaker shall transport the wine from the winemaker's winery to the premises where the wine is to be delivered only in vehicles owned or leased by the winemaker and not by common or private contract carrier and shall obtain all necessary permits as required by the Oklahoma Alcoholic Beverage Control Act; and

3. If the production volume limit applicable to winemakers is ruled to be unconstitutional by a court of competent jurisdiction, then no winemaker shall be permitted to directly sell its wine to retail package stores or restaurants in this state.

D. A winemaker self-distribution license shall authorize a licensed winemaker within or without this state which is permitted by Section 3 of Article XXVIII of the Oklahoma Constitution and subsection C of this section, to distribute its wine directly to retail package stores and restaurants in this state and that elects to do so, to sell and deliver its wines directly to licensed retail package stores and restaurants in this state in full case lots only, and in accordance with the provisions of the Oklahoma Alcoholic Beverage Control Act and such rules as the ABLE Commission shall adopt.

E. A rectifier license shall authorize the holder thereof: To rectify spirits and wines, bottle, package, and store same on the licensed premises; to sell spirits and wines in this state to licensed wholesalers and manufacturers only; to sell spirits and
wines out of this state to qualified persons; to purchase from
licensed manufacturers in this state; and to import into this state
for manufacturing purposes spirits and wines in accordance with
federal laws and regulations.

F. 1. A wholesaler license shall authorize the holder thereof:

To purchase and import into this state spirits and wines from
persons authorized to sell same who are the holders of a nonresident
seller license, and their agents who are the holders of
manufacturers agent licenses; to purchase spirits and wines from
licensed distillers, rectifiers and winemakers in this state; to
purchase spirits and wines from licensed wholesalers, to the extent
set forth in paragraphs 2 and 3 of this subsection; to sell in
retail containers in this state to retailers, mixed beverage,
caterer, special event, public event, hotel beverage or
airline/railroad beverage licensees, spirits and wines which have
been received and unloaded at the bonded warehouse facilities of the
wholesaler before such sale; to sell to licensed wholesalers, to the
extent set forth in paragraphs 2 and 3 of this subsection, spirits
and wines which have been received and unloaded at the bonded
warehouse facilities of the wholesaler before such sale; and to sell
spirits and wines out of this state to qualified persons. Provided,
however, sales of spirits and wine in containers with a capacity of
less than one-twentieth (1/20) gallon by a holder of a wholesaler
license shall be in full case lots and in the original unbroken
1. Wholesalers shall be authorized to place such signs outside their place of business as are required by Acts of Congress and by such laws and regulations promulgated under such Acts.

2. Wholesalers are prohibited from purchasing annually in excess of fifteen percent (15%) of their total spirits inventory and fifteen percent (15%) of their total wine inventory from one or more wholesalers. Wholesalers are also prohibited from purchasing annually in excess of fifteen percent (15%) of their inventory of any individual brand of spirits or wine from one or more wholesalers. The volume of spirits and wine and of each brand that each wholesaler is permitted to purchase annually from other wholesalers shall be calculated by the ABLE Commission by multiplying fifteen percent (15%) by:

   a. the total volume of spirits sales of the wholesaler, by liter, from the previous calendar year, and
   b. the total volume of wine sales of the wholesaler, by liter, from the previous calendar year, and
   c. the volume of sales of each brand of spirits or wine of the wholesaler, by liter, from the previous calendar year.

A wholesaler who did not post any sales of spirits, wine or of a particular brand in the previous calendar year shall be deemed to have sold the same volume of spirits, wine or of a particular brand as the wholesaler posting the smallest volumes of sales in spirits,
wine or of a particular brand for that year for the purposes of this paragraph. Notwithstanding the foregoing, wholesalers shall not purchase any inventory in spirits or wine from any other wholesaler until such time that the purchasing wholesaler possesses an inventory valued at no less than Two Hundred Fifty Thousand Dollars ($250,000.00). Inventory valuation shall be based on the original actual price paid by the purchasing wholesaler to the nonresident seller for the inventory.

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

4. A wholesaler license shall authorize the holder thereof to operate a single bonded warehouse with a single central office together with delivery facilities at a location in this state only at the principal place of business for which the wholesaler license was granted.

5. All licensed wholesalers shall register prices, purchase and keep on hand or have on order a fifteen-day supply of all brands constituting the top eighteen brands in total sales by all Oklahoma wholesalers during the past twelve-month period, according to the records of the ABLE Commission as revised by the ABLE Commission
quarterly; provided, however, that not more than three brands of any particular nonresident seller shall be included in the top-brands classification. All purchase orders for these top eighteen brands must show an expected due delivery date. These purchase orders may only be canceled with prior approval of the Director of the ABLE Commission, unless a wholesaler shall have in its warehouse a fifteen-day supply of merchandise on such purchase order.

In order to allow the ABLE Commission to determine the top eighteen brands, wholesalers must submit to the ABLE Commission every sixty (60) days a sworn affidavit listing their top twenty-five brands in sales for the previous sixty (60) days, excluding sales to wholesalers. Such affidavits shall be submitted in conjunction with the original price postings of wholesalers.

A fifteen-day supply of a particular brand for a particular wholesaler shall be based upon the market share of the wholesaler, determined by first multiplying the total number of liters of such brand sold by all wholesalers to all retailers during the previous calendar year by the percentage that the total sales of wine and spirits of the particular wholesaler, in liters, for such calendar year bears to the total sales of wine and spirits, in liters, reported by all wholesalers for such calendar year; and then dividing by twenty-four (24); provided, that a fifteen-day supply for a wholesaler who has not been in business for the entirety of the previous calendar year shall be deemed to be equal to that of
the wholesaler who was in business for the entirety of the previous
calendar year and who reported the lowest volume of sales of wine
and spirits, in liters, of any wholesaler having been in business
for such period.

G. A Class B wholesaler license shall authorize the holder thereof: To purchase and import into this state beer from persons authorized to sell same who are the holders of nonresident seller licenses, and their agents who are the holders of manufacturers agent licenses; to purchase beer from licensed brewers and Class B wholesalers in this state; to sell in retail containers to retailers, mixed beverage, caterer, special event, public event, hotel beverage and airline/railroad beverage licensees in this state, beer which has been unloaded and stored at the holder's self-owned or leased and self-operated warehouse facilities for a period of at least twenty-four (24) hours before such sale; and to sell beer in this state to Class B wholesalers and out of this state to qualified persons, including federal instrumentalities and voluntary associations of military personnel on federal enclaves in this state over which this state has ceded jurisdiction.

H. A package store license shall authorize the holder thereof: To purchase alcohol, spirits, beer and wine in retail containers from the holder of a brewer, wholesaler or Class B wholesaler license and to purchase wine from a winemaker who is permitted and has elected to self-distribute as provided in Section 3 of Article
XXVIII of the Oklahoma Constitution and to sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, wine may be sold to charitable organizations that are holders of charitable auction or charitable wine event licenses. All alcoholic beverages that are sold by a package store are to be sold at ordinary room temperature, except a package store may elect to store and sell beer as defined in Section 506 of this title that has been chilled to a temperature that is below room temperature.

I. A mixed beverage license shall authorize the holder thereof:

To purchase alcohol, spirits, beer or wine in retail containers from the holder of a wholesaler or Class B wholesaler license or as specifically provided by law and to sell, offer for sale and possess mixed beverages for on-premises consumption only; provided, the holder of a mixed beverage license issued for an establishment which is also a restaurant may purchase wine directly from a winemaker who is permitted and has elected to self-distribute as provided in Section 3 of Article XXVIII of the Oklahoma Constitution.

Sales and service of mixed beverages by holders of mixed beverage licenses shall be limited to the licensed premises of the licensee unless the holder of the mixed beverage license also obtains a caterer license or a mixed beverage/caterer combination license. A mixed beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the
individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business. No mixed beverage license shall be issued for any place of business functioning as a motion picture theater, as defined by Section 506 of this title.

J. A bottle club license shall authorize the holder thereof: To store, possess and mix alcoholic beverages belonging to members of the club and to serve such alcoholic beverages for on-premises consumption to club members. A bottle club license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has not been authorized. A separate license shall be required for each place of business.

K. A caterer license shall authorize the holder thereof: To sell mixed beverages for on-premises consumption incidental to the sale or distribution of food at particular functions, occasions, or events which are temporary in nature. A caterer license shall not be issued in lieu of a mixed beverage license. A caterer license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business.

L. 1. An annual special event license shall authorize the holder thereof: To sell and distribute mixed beverages for
consumption on the premises for which the license has been issued for up to four events to be held over a period not to exceed one (1) year, not to exceed two such events in any three-month period. For purposes of this paragraph, an event shall not exceed a period of ten (10) consecutive days. An annual special event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of an annual special event license shall provide written notice to the ABLE Commission of each special event not less than ten (10) days before the event is held.

2. A quarterly special event license shall authorize the holder thereof: To sell and distribute mixed beverages for consumption on the premises for which the license has been issued for up to three events to be held over a period not to exceed three (3) months. For purposes of this paragraph, an event shall not exceed a period of ten (10) consecutive days. A quarterly special event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of a quarterly special event license shall provide written notice to the ABLE Commission of each special event not less than ten (10) days before the event is held.

3. An annual public event license shall authorize the holder thereof: to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for up to six
events to be held over a period not to exceed one (1) calendar year.

For purposes of this paragraph, an event shall not exceed a period of three (3) consecutive days. An annual public event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of an annual public event license shall provide written notice to the ABLE Commission of each promoted public event not less than ten (10) days before the event is held. A public event license shall not be used in lieu of a mixed beverage license.

4. A one-time public event license shall authorize the holder thereof: to sell and distribute mixed beverages for consumption on the premises for which the license has been issued. For purposes of this paragraph, an event shall not exceed a period of three (3) consecutive days. A public event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of a public event license shall provide written notice to the ABLE Commission of each public event not less than ten (10) days before the event is held. A public event license shall not be used in lieu of a mixed beverage license.

M. A hotel beverage license shall authorize the holder thereof: To sell or serve alcoholic beverages in 50 milliliter spirits, 187 milliliter wine, and 12-ounce malt beverage containers which are
distributed from a hotel room mini-bar. A hotel beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A hotel beverage license shall only be issued to a hotel or motel as defined by Section 506 of this title which is also the holder of a mixed beverage license. Provided, that application may be made simultaneously for both such licenses. A separate license shall be required for each place of business.

N. An airline/railroad beverage license shall authorize the holder thereof: To sell or serve alcoholic beverages in or from any size container on a commercial passenger airplane or railroad operated in compliance with a valid license, permit or certificate issued under the authority of the United States or this state, even though the airplane or train, in the course of its travel, may cross an area in which the sale of alcoholic beverages by the individual drink is not authorized and to store alcoholic beverages in sealed containers of any size at any airport or station regularly served by the licensee, in accordance with rules promulgated by the Alcoholic Beverage Laws Enforcement Commission. Alcoholic beverages purchased by the holder of an airline/railroad license from the holder of a wholesaler license shall be presumed to be purchased for consumption outside the State of Oklahoma or in interstate commerce, and shall
be exempt from the excise tax provided for in Section 553 of this
title.

O. An agent license shall authorize the holder thereof: To
represent only the holders of licenses within this state, other than
retailers, authorized to sell alcoholic beverages to retail dealers
in Oklahoma, and to solicit and to take orders for the purchase of
alcoholic beverages from retailers including licensees authorized to
sell alcoholic beverages by the individual drink for on-premises
consumption. Such license shall be issued only to agents and
employees of the holder of a license under the Oklahoma Alcoholic
Beverage Control Act, but no such license shall be required of an
employee making sales of alcoholic beverages on licensed premises of
the employee's principal. No person holding an agent license shall
be entitled to a manufacturers agent license.

P. An employee license shall authorize the holder thereof: To
work in a package store, mixed beverage establishment, bottle club,
public event or any establishment where alcohol or alcoholic
beverages are sold, mixed, or served. Persons employed by a mixed
beverage licensee, public event licensee or a bottle club who do not
participate in the service, mixing, or sale of mixed beverages shall
not be required to have an employee license. Provided, however,
that a manager employed by a mixed beverage licensee, public event
licensee or a bottle club shall be required to have an employee
license whether or not the manager participates in the service,
mixing or sale of mixed beverages. Applicants for an employee license must have a health card issued by the county in which they are employed, if the county issues such a card. Employees of special event, caterer or airline/railroad beverage licensees shall not be required to obtain an employee license. Persons employed by a hotel licensee who participate in the stocking of hotel room mini-bars or in the handling of alcoholic beverages to be placed in such devices shall be required to have an employee license.

Q. An industrial license may be issued to persons desiring to import, transport, and use alcohol for the following purposes:

1. Manufacture of patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;

2. Manufacture of extracts, syrups, condiments, and food products; and

3. For use in scientific, chemical, mechanical, industrial, and medicinal products and purposes.

No other provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol intended for industrial, medical, mechanical, or scientific use.

Any person receiving alcohol under authority of an industrial license who shall use, permit, or cause same to be used for purposes other than authorized purposes specified above, and all such alcohol, shall be liable to all provisions of the Oklahoma Alcoholic Beverage Control Act, including payment of tax thereon.
No provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol withdrawn by any person free of federal tax under a tax-free permit issued by the United States government, if such alcohol is received, stored, and used as authorized by federal laws.

R. A carrier license may be issued to any common carrier operating under a certificate of convenience and necessity issued by any duly authorized federal or state regulatory agency. Such license shall authorize the holder thereof to transport alcoholic beverages other than wine sold directly by a winemaker or winery to a retail package store or restaurant into, within, and out of this state under such terms, conditions, limitations, and restrictions as the ABLE Commission may prescribe by order issuing such license and by regulations.

S. A private carrier license may be issued to any carrier other than a common carrier described in subsection Q of this section. Such license shall authorize the holder thereof to transport alcoholic beverages other than wine sold directly by a winemaker or winery to a retail package store or restaurant into, within, or out of this state under such terms, conditions, limitations, and restrictions as the ABLE Commission may prescribe by order issuing such license and by regulations. No carrier license or private carrier license shall be required of licensed brewers, distillers, winemakers, rectifiers, wholesalers, or Class B wholesalers, to
transport alcoholic beverages from the place of purchase or
acquisition to the licensed premises of such licensees and from such
licensed premises to the licensed premises of the purchaser in
vehicles owned or leased by such licensee when such transportation
is for a lawful purpose and not for hire.

No carrier license or private carrier license shall be required
of the holder of a package store, mixed beverage, caterer, special
event, hotel beverage, public event or airline/railroad license to
pick up alcoholic beverage orders from the licensees' wholesaler or
Class B wholesaler from whom they are purchased, and to transport
such alcoholic beverages from the place of purchase or acquisition
to the licensed premise of such licensees in vehicles owned or under
the control of such licensee or a licensed employee of such licensee
under such terms, conditions, limitations and restrictions as the
ABLE Commission may prescribe.

T. A bonded warehouse license shall authorize the holder
thereof: To receive and store alcoholic beverages for the holders of
storage licenses on the licensed premises of the bonded warehouse
licensee. No goods, wares or merchandise other than alcoholic
beverages may be stored in the same bonded warehouse with alcoholic
beverages. The holder of a bonded warehouse license shall furnish
and file with the ABLE Commission a bond running to all bailers of
alcoholic beverages under proper storage licenses and their
assignees (including mortgagees or other bona fide lienholders)
conditioned upon faithful performance of the terms and conditions of such bailments.

U. A storage license may be issued to a holder of a brewer, distiller, winemaker, rectifier, wholesaler, Class B wholesaler, nonresident seller, package store, mixed beverage, caterer, public event or hotel beverage license, and shall authorize the holder thereof: To store alcoholic beverages in a public warehouse holding a bonded warehouse license, and no goods, wares or merchandise other than alcoholic beverages may be stored in the same warehouse with alcoholic beverages in private warehouses owned or leased and operated by such licensees elsewhere than on their licensed premises. Provided:

1. A storage license issued to a Class B wholesaler shall permit the storage of light beer and permit the sale and delivery to retailers from the premises covered by such license;

2. Any licensee who is the holder of a mixed beverage/caterer combination license or the holder of a mixed beverage license and a hotel beverage license who is issued a storage license shall store all inventories of alcoholic beverages either on the premises of the mixed beverage establishment or in the warehouse;

3. A storage license shall not be required for a special event licensee storing alcoholic beverages for use at a subsequent event;
4. A storage license shall be required for a public event
licensee storing alcoholic beverages for use at a subsequent event;
and

5. Notwithstanding the provisions of subsection I of this
section or any other provision of this title, a licensee who wholly
owns more than one licensed mixed beverage establishment may store
alcoholic beverages for each of the licensed establishments in one
location under one storage license. Alcoholic beverages purchased
and stored pursuant to the provisions of a storage license, for one
licensed mixed beverage establishment may be transferred by a
licensee to another licensed mixed beverage establishment which is
wholly owned by the same licensee. Notice of such a transfer shall
be given in writing to the Oklahoma Tax Commission and the ABLE
Commission within three (3) business days of the transfer. The
notice shall clearly show the quantity, brand and size of every
transferred bottle or case.

V. A sacramental wine supplier license shall authorize the
holder thereof: To sell, ship or deliver sacramental wine to any
religious corporation or society of this state holding a valid
exemption from taxation issued pursuant to Section 501(a) of the
Internal Revenue Code, 1986, and listed as an exempt organization in
Section 501(c)(3) of the Internal Revenue Code, 1986, of the United
States, as amended.
W. A beer and wine license shall authorize the holder thereof:

To purchase beer and wine in retail containers from the holder of a wholesaler or Class B wholesaler license or as specifically provided by law and to sell, offer for sale and possess beer and wine for on-premises consumption only; provided, the holder of a beer and wine license issued for an establishment which is also a restaurant may purchase wine from a winemaker who is permitted and has elected to self-distribute as provided in Section 3 of Article XXVIII of the Oklahoma Constitution.

Sales and service of beer and wine by holders of beer and wine licenses shall be limited to the licensed premises of the licensee unless the holder of the beer and wine license also obtains a caterer license. A beer and wine license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business. No beer and wine license shall be issued for any place of business functioning as a motion picture theater, as defined by Section 506 of this title. No spirits shall be stored, possessed or consumed on the licensed premises of a beer and wine licensee.

X. A charitable auction or charitable alcoholic beverage event license may be issued to a charitable organization exempt from taxation under Section 501(c)(3), (4), (5), (7), (8), (9), (10), or (19) of the United States Internal Revenue Code. The charitable
alcoholic beverage event license shall authorize the holder thereof
to conduct a wine, spirit and/or beer event which may consist of one
or more of a wine, spirit and/or beer tasting event, a wine, spirit
and/or beer dinner event or a wine, spirit and/or beer auction,
which may be either a live auction conducted by an auctioneer or a
silent auction for which:

1. Bid sheets are accepted from interested bidders at the
event;

2. The holders of tickets are allowed to bid online for a
period not exceeding thirty (30) days prior to the event; or

3. Both bid sheets are accepted at the event and online bids
are accepted pursuant to paragraph 2 of this subsection.

A charitable alcoholic beverage event shall be conducted solely
to raise funds for charitable purposes. A charitable alcoholic
beverage license will allow the event attendees access to tastings,
samples, dinners and alcoholic beverages as parts of their entrance
fee or ticket price. Wine, spirits and/or beer used in, served, or
consumed at a charitable alcoholic beverage event may be purchased
by the charitable organization or donated by any person or entity.
The charitable alcoholic beverage event license shall be issued for
a period not exceeding four (4) days. Only eight such licenses may
be issued to an organization in any twelve-month period. The
charitable organization holding a charitable alcoholic beverage
event license shall not be required to obtain a special event
license. Charitable auction and charitable alcoholic beverage event license holders may also utilize a licensed caterer to provide additional alcohol services at the event and on the premises. The charitable auction license shall authorize the holder thereof to auction wine, spirits and/or beer purchased from a retail package store or received as a gift from an individual if the auction is conducted to raise funds for charitable purposes. The charitable auction license shall be issued for a period not to exceed two (2) days. Only four such licenses shall be issued to an organization in any twelve-month period. The maximum amount of wine, spirits and/or beer auctioned pursuant to the charitable auction license shall not exceed fifty (50) gallons. All wines auctioned pursuant to the charitable auction license shall be registered and all fees and taxes shall be paid in accordance with the Oklahoma Alcoholic Beverage Control Act.

Y. A mixed beverage/caterer combination license shall authorize the holder thereof: To purchase or sell mixed beverages as specifically provided by law for the holder of a mixed beverage license or a caterer license. All provisions of the Oklahoma Alcoholic Beverage Control Act applicable to mixed beverage licenses or caterer licenses, or the holders thereof, shall also be applicable to mixed beverage/caterer combination licenses or the holders thereof, except where specifically otherwise provided. A mixed beverage/caterer combination license shall only be issued in
counties of this state where the sale of alcoholic beverages by the
individual drink for on-premises consumption has been authorized. A
separate license shall be required for each place of business.

Z. In the event any portion of this section is declared invalid
for any reason, the invalid portion shall be severed and the rest
and remainder of the section shall be saved and given full force and
application.

AA. Except as provided in Sections 554.1 and 554.2 of this
title with respect to cities, towns and counties, and except as may
be provided under Title 68 of the Oklahoma Statutes with respect to
the Oklahoma Tax Commission, no license or permit other than
licenses as provided under the Oklahoma Alcoholic Beverage Control
Act shall be required of any licensee by any agency, instrumentality
or political subdivision of this state to engage in any activity
covered by the Oklahoma Alcoholic Beverage Control Act anywhere
within the State of Oklahoma and no agency, instrumentality or
political subdivision of this state shall interfere with the ABLE
Commission's regulation of, or a wholesaler's performance of, the
sale, distribution, possession, handling or marketing of alcoholic
beverages on any premises of any licensee as defined in Section 506
of this title.

SECTION 3. AMENDATORY 37 O.S. 2011, Section 534, is
amended to read as follows:
Section 534. A. No package store license shall be issued for premises unless said the premises are separated from premises on which any other goods, wares or merchandise are sold or services are rendered by nontransparent walls which may be broken by a passageway to which the public is not admitted. Provided, it shall be unlawful for any person or persons to take any alcoholic beverage from such store through said the passageway for the purpose of selling, reselling, or delivering in connection with the sale of said the alcoholic beverage. Such licenses shall apply only to the premises described in the application. No person may own any interest in more than one package store. For the purpose only of establishing whether or not a person owns an interest in more than one package store, any person having a beneficial interest in any package store shall be deemed to be a partner in said the package store except that the spouse of any package store license holder or partner shall not be deemed to be a partner or have a beneficial interest in a package store unless his or her name appears on the license. A beneficial interest shall be any interest that benefits from any sales or profits of said the package store.

B. For purposes of this section, any spouse of a package store license holder shall not hold another license provided for pursuant to the Oklahoma Alcoholic Beverage Control Act, except a package store license, beer and wine license, or a mixed beverage license.
C. Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only alcoholic beverages in retail containers as defined in Section 506 of this title, in the original package for consumption off the premises. Provided, all alcoholic beverages are to be sold at ordinary room temperature, except a package store may elect to store and sell beer as defined in Section 506 of this title that has been chilled to a temperature that is below room temperature. All retail sales shall be made on the licensed premises and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited.

SECTION 4. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO, AND CONTROLLED SUBSTANCES, dated 04/07/2015 - DO PASS, As Amended.