

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE JOINT
4 RESOLUTION 1002

By: Kirby

5
6 AS INTRODUCED

7
8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 3 of
11 Article XXVIII of the Constitution of the State of
12 Oklahoma; authorizing wineries to ship wine to
13 certain consumers; providing ballot title; and
14 directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendment to Section 3 of Article XXVIII of
20 the Constitution of the State of Oklahoma to read as follows:

21 Section 3. A. The Legislature shall enact laws providing for
22 the strict regulation, control, licensing, and taxation of the
23 manufacture, sale, distribution, possession, and transportation of
24 alcoholic beverages, consistent with the provisions of this
Amendment. Provided, that any manufacturer, or subsidiary of any
manufacturer, who markets his or her product solely through a

1 subsidiary or subsidiaries, a distiller, rectifier, bottler,
2 winemaker, brewer, or importer of alcoholic beverages, bottled or
3 made in a foreign country, either within or without this state,
4 shall be required to sell such brands or kinds of alcoholic
5 beverages to every licensed wholesale distributor who desires to
6 purchase the same, on the same price basis and without
7 discrimination, and shall further be required to sell such beverages
8 only to those distributors licensed as wholesale distributors.

9 Winemakers either within or without this state shall be required to
10 sell wine they produce to every licensed wholesale distributor who
11 desires to purchase the wine, but winemakers shall not be required
12 to sell the wine they produce only to licensed wholesale
13 distributors. Winemakers either within or without this state may
14 sell wine produced at the winery to adult consumers who are at least
15 twenty-one (21) years of age and are physically present on the
16 premises of the winery or at a festival or trade show. Wineries
17 either within or without this state that are licensed by the
18 Oklahoma Alcoholic Beverage Laws Enforcement Commission may receive
19 orders for, sell and ship wine directly to consumers over the age of
20 twenty-one (21) years either within or without this state who have
21 visited the winery in person. Winemakers either within or without
22 this state that annually produce no more than ten thousand (10,000)
23 gallons of wine may sell and ship only the wine they produce
24 directly to licensed retail package stores and restaurants in this

1 state; provided, however, that any such winemaker which elects to
2 directly sell its wine to package stores and restaurants shall not
3 also use a licensed wholesale distributor as a means of
4 distribution, and shall be required to sell its wines to every
5 package store and restaurant licensee who desires to purchase the
6 same, as supplies allow, on the same price basis and without
7 discrimination. As used in this section, "restaurant" means an
8 establishment that is licensed to sell alcoholic beverages by the
9 individual drink for on-premises consumption and where food is
10 prepared and sold for immediate consumption on the premises.

11 B. Any winemaker within or without this state that annually
12 produces no more than ten thousand (10,000) gallons of wine and
13 elects to directly sell its wine to retail package stores and
14 restaurants in this state must self-distribute the wine using only
15 vehicle(s) owned or leased by the winemaker, and without the use of
16 a common or private contract carrier.

17 C. All laws passed by the Legislature under the authority of
18 the Article shall be consistent with this provision. All provisions
19 of this amendment are declared to be interdependent. If any
20 provision of this amendment applicable to winemakers is ruled to be
21 unconstitutional by a court of competent jurisdiction, then no
22 winemaker shall be permitted to directly sell its wine to retail
23 package stores or restaurants in this state.

24

1 SECTION 2. The Ballot Title for the proposed Constitutional
2 amendment as set forth in SECTION 1 of this resolution shall be in
3 the following form:

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends Section 3 of Article 28 of the State
8 Constitution. It would allow wine to be shipped by wineries
9 directly to consumers who have visited the winery. The
10 individuals shipping the wine would need a license.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES _____

13 AGAINST THE PROPOSAL - NO _____

14 SECTION 3. The Chief Clerk of the House of Representatives,
15 immediately after the passage of this resolution, shall prepare and
16 file one copy thereof, including the Ballot Title set forth in
17 SECTION 2 hereof, with the Secretary of State and one copy with the
18 Attorney General.

19

20 55-1-6537 JM 01/13/15

21

22

23

24