

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE JOINT
5 RESOLUTION 1002

By: Kirby of the House

and

David of the Senate

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9 AS INTRODUCED

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

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
18 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

23 Section 3. A. The Legislature shall enact laws providing for
24 the strict regulation, control, licensing, and taxation of the
 manufacture, sale, distribution, possession, and transportation of

1 alcoholic beverages, consistent with the provisions of this
2 Amendment. Provided, that any manufacturer, or subsidiary of any
3 manufacturer, who markets his or her product solely through a
4 subsidiary or subsidiaries, a distiller, rectifier, bottler,
5 winemaker, brewer, or importer of alcoholic beverages, bottled or
6 made in a foreign country, either within or without this state,
7 shall be required to sell such brands or kinds of alcoholic
8 beverages to every licensed wholesale distributor who desires to
9 purchase the same, on the same price basis and without
10 discrimination, and shall further be required to sell such beverages
11 only to those distributors licensed as wholesale distributors.
12 Winemakers either within or without this state shall be required to
13 sell wine they produce to every licensed wholesale distributor who
14 desires to purchase the wine, but winemakers shall not be required
15 to sell the wine they produce only to licensed wholesale
16 distributors. Winemakers either within or without this state may
17 sell wine produced at the winery to adult consumers who are at least
18 twenty-one (21) years of age and are physically present on the
19 premises of the winery or at a festival or trade show. Wineries
20 either within or without this state that are licensed by the
21 Oklahoma Alcoholic Beverage Laws Enforcement Commission may receive
22 orders for, sell and ship wine directly to consumers over the age of
23 twenty-one (21) years either within or without this state who have
24 visited the winery in person. Winemakers either within or without

1 this state that annually produce no more than ten thousand (10,000)
2 gallons of wine may sell and ship only the wine they produce
3 directly to licensed retail package stores and restaurants in this
4 state; provided, however, that any such winemaker which elects to
5 directly sell its wine to package stores and restaurants shall not
6 also use a licensed wholesale distributor as a means of
7 distribution, and shall be required to sell its wines to every
8 package store and restaurant licensee who desires to purchase the
9 same, as supplies allow, on the same price basis and without
10 discrimination. As used in this section, "restaurant" means an
11 establishment that is licensed to sell alcoholic beverages by the
12 individual drink for on-premises consumption and where food is
13 prepared and sold for immediate consumption on the premises.

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

20 C. All laws passed by the Legislature under the authority of
21 the Article shall be consistent with this provision. All provisions
22 of this amendment are declared to be interdependent. If any
23 provision of this amendment applicable to winemakers is ruled to be
24 unconstitutional by a court of competent jurisdiction, then no

1 winemaker shall be permitted to directly sell its wine to retail
2 package stores or restaurants in this state.

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

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

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

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/11/2015 - DO PASS,
23 As Coauthored.

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