



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

March 1, 2022

To Licensed Beer Distributors and Customers:

Recently, the question arose as to whether licensed Oklahoma beer distributors are allowed to charge for processing minimum orders or per case for the handling or repacking of goods for sales in less than full case lots.

Title 37A, Section §3-123 (A), as well as OAC 45:30-5-6(b)(4), clearly state that discrimination is strictly prohibited by beer distributors. However, Title 37A, Section §3-123 (B) states:

B. The ABLE Commission is hereby authorized to promulgate rules which are necessary to carry out the purpose of this section and to prevent its circumvention by offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value; provided, the posting or invoicing of charges per order for processing minimum orders or per case for the handling or repacking of goods by wine and spirits wholesalers and beer distributors for sales in less than full case lots shall not constitute a violation of this section.

However, if beer distributors intend to charge for minimum orders or per case for handling or repacking of goods or beer for sales in less than full case lots, they must either post or invoice those minimum charges on their printed or electronic price lists.

Therefore, it is the Director's determination that beer distributors may access charges for minimum orders or per case for handling or repacking of goods or for sale in less than full case lots if they post or invoice those minimum charges. Additionally, it is recommended that beer distributors prominently place these minimum charges on their printed and/or electronic price lists.

Sincerely,

A handwritten signature in black ink that reads "A. Keith Burt".

A. Keith Burt  
Director