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A KEITH BURT
INTERIM DIRECTOR AND GOVERNOR
SECRETARY TO THE COMMISSION

BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

June 10, 2003

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
Washington, DC 20091-0221

RE: Notice Number 4
Flavored Malt Beverages

Dear Sir:

The State of Oklahoma Alcoholic Beverage Laws Enforcement Commission joins with our colleagues in both NCSLA and NABC in expressing our appreciation of the BATF's efforts in clarifying issues concerning flavored malt beverages.

The Constitution of the State of Oklahoma establishes that any beverage whose alcohol content exceeds 3.2% alcohol is considered an alcoholic beverage and is taxed and regulated as such. If the alcohol limit in flavored malt beverages is less than 3.2%, it does not matter whether the alcohol content is derived from brewing or distilling. The beverage is taxed and regulated as low-point beer; if it exceeds 3.2%, it is taxed and regulated as alcoholic beverage. Any deviation from that would require a constitutional amendment; as well as, legislative changes.

Sincerely,

A. Keith Burt
Director

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