

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 174

By: Bice of the Senate

and

Mulready of the House

6
7
8
9 An Act relating to alcoholic beverages; amending
10 Section 68, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
11 2016, Section 2-156), which relates to package
12 stores; allowing spouse of retail spirits license
13 holder to have certain interest; modifying licenses
14 which spouse may hold; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY Section 68, Chapter 366, O.S.L.
18 2016 (37A O.S. Supp. 2016, Section 2-156), is amended to read as
19 follows:

20 Section 2-156. A. No retail spirits license shall be issued to
21 a corporation, limited liability company or similar business entity.
22 No person may own any interest in more than two package stores;
23 provided, a spouse of a retail spirits license holder may hold a
24 separate interest in up to two (2) package stores. For the purpose
only of establishing whether or not a person owns an interest in

1 more than one package store, any person having a beneficial interest
2 in any package store shall be deemed to be a partner in the package
3 store except that the spouse of any retail spirits license holder or
4 partner shall not be deemed to be a partner or have a beneficial
5 interest in a package store unless his or her name appears on the
6 license. A beneficial interest shall be any interest that benefits
7 from any sales or profits of the package store.

8 B. For purposes of this section, any spouse of a retail spirits
9 license holder shall not hold another license provided for pursuant
10 to the Oklahoma Alcoholic Beverage Control Act, except a retail wine
11 license, retail beer license, on-premises beer and wine license,
12 mixed beverage license ~~or~~, a caterer's license or a retail spirits
13 license.

14 C. Package stores licensed under the Oklahoma Alcoholic
15 Beverage Control Act may sell only alcoholic beverages in retail
16 containers as defined in Section ~~3~~ 1-103 of this ~~act~~ title, in the
17 original package for consumption off the premises. All retail sales
18 shall be made on the licensed premises and all deliveries off the
19 premises, at retail, of intoxicating liquor or beer are hereby
20 prohibited. Provided, a holder of a Retail Spirits License shall be
21 permitted to sell at retail any item that may be purchased at a
22 grocery store or convenience store, as defined by law, except for
23 motor fuel, so long as the sale of items other than alcoholic
24

1 beverages do not comprise more than twenty percent (20%) of the
2 holder's monthly sales.

3 SECTION 2. This act shall become effective October 1, 2018.

4

5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
6 dated 04/05/2017 - DO PASS.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24