

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 211

By: Bice of the Senate

and

Mulready of the House

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10 An Act relating to alcoholic beverages; amending
11 Sections 94 and 143, Chapter 366, O.S.L. 2016 (37A
12 O.S. Supp. 2016, Sections 3-124 and 6-103), which
13 relate to county special elections and hours of
14 sales; authorizing certain sales of alcoholic
15 beverages upon voter approval at county special
16 election; providing procedures; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY Section 94, Chapter 366, O.S.L.
20 2016 (37A O.S. Supp. 2016, Section 3-124), is amended to read as
21 follows:

22 Section 3-124. A. Sale of alcoholic beverages by the
23 individual drink for on-premises consumption shall be unlawful in
24 any county of this state unless the sale has been approved by a
25 majority of the registered voters of the county voting thereon at a
26 special election called by the board of county commissioners. Such

1 election shall be called by the board of county commissioners upon
2 receipt of a petition signed by registered voters constituting not
3 less than fifteen percent (15%) of the total votes cast in the
4 county in the last General Election for the Office of Governor, or
5 such election may be called by the board of county commissioners
6 upon its own motion. At the time such election is called, the
7 proposition shall include those days or portions of days, if any, on
8 which sales of alcoholic beverages by the individual drink are not
9 authorized. If the proposition is the result of a motion of the
10 board of county commissioners, then the ABLE Commission shall
11 designate the days or portions of days, if any, on which the sales
12 of alcoholic beverages are not authorized. If the proposition is
13 the result of a petition, such petition shall specify days or
14 portions of days, if any, on which the sales of alcoholic beverages
15 are not authorized.

16 If, at the Special Election, the proposition to authorize the
17 sale of alcoholic beverages by the individual drink for on-premises
18 consumption fails to be approved by the registered voters of the
19 county, the county shall not hold another election on whether or not
20 to approve such sales, for at least two (2) years from the date the
21 proposition failed to be approved.

22 B. Sales of alcoholic beverages on Sundays by retail spirits
23 licensees shall be unlawful in any county of this state unless
24 approved by a majority of the registered voters of the county voting

1 thereon at a special election called by the board of county
2 commissioners. Such election shall be called by the board of county
3 commissioners upon receipt of a petition signed by registered voters
4 constituting not less than fifteen percent (15%) of the total votes
5 cast in the county in the last General Election for the Office of
6 Governor, or such election may be called by the board of county
7 commissioners upon its own motion.

8 SECTION 2. AMENDATORY Section 143, Chapter 366, O.S.L.
9 2016 (37A O.S. Supp. 2016, Section 6-103), is amended to read as
10 follows:

11 Section 6-103. A. No retail spirits licensee shall:

12 1. Purchase or receive any alcoholic beverage other than from a
13 wine and spirits wholesaler, beer distributor, winery or small
14 brewer self-distribution licensee who elects to self-distribute;

15 2. Suffer or permit any retail container to be opened, or any
16 alcoholic beverage to be consumed on the licensed premises, unless
17 otherwise permitted by law;

18 3. Sell any alcoholic beverages at any hour other than between
19 the hours of 10:00 a.m. and midnight Monday through Saturday, and
20 shall not be permitted to be open on Thanksgiving Day or Christmas
21 Day; provided, a county may, pursuant to the provisions of
22 subsection B of Section 3-124 of this title, elect to allow such
23 sales between the hours of noon and midnight on Sunday. Retail
24 spirits licensees shall be permitted to sell alcoholic beverages on

1 the day of any General, Primary, Runoff Primary or Special Election
2 whether on a national, state, county or city election, provided that
3 the election day does not occur on any day on which such sales are
4 otherwise prohibited by law;

5 4. Sell spirits in a city or town, unless such city or town has
6 a population in excess of two hundred (200) according to the latest
7 Federal Decennial Census;

8 5. Sell any alcoholic beverage on credit; provided, that
9 acceptance by a licensee of a cash or debit card or a nationally
10 recognized credit card in lieu of actual cash payment does not
11 constitute the extension of credit; provided, further, as used in
12 this section:

13 a. "cash or debit card" means any instrument or device
14 whether known as a debit card or by any other name,
15 issued with or without fee by an issuer for the use of
16 the cardholder in depositing, obtaining or
17 transferring funds from a consumer banking electronic
18 facility, and

19 b. "nationally recognized credit card" means any
20 instrument or device, whether known as a credit card,
21 credit plate, charge plate or by any other name,
22 issued with or without fee by an issuer for the use of
23 the cardholder in obtaining money, goods, services or
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1 anything else of value on credit which is accepted
2 over one hundred retail locations;

3 6. Offer or furnish any prize, premium, gift or similar
4 inducement to a consumer in connection with the sale of alcoholic
5 beverages, except that goods or merchandise included by the
6 manufacturer in packaging with alcoholic beverages or for packaging
7 with alcoholic beverages shall not be included in this prohibition,
8 but no wholesaler or retailer shall sell any alcoholic beverage
9 prepackaged with other goods or merchandise at a price which is
10 greater than the price at which the alcoholic beverage alone is
11 sold; or

12 7. Pay for alcoholic beverages by a check or draft which is
13 dishonored by the drawee when presented to such drawee for payment;
14 and the ABLE Commission may cancel or suspend the license of any
15 retailer who has given a check or draft, as maker or endorser, which
16 is so dishonored upon presentation.

17 B. No retail spirits licensee shall permit any person under
18 twenty-one (21) years of age to enter into or remain within or about
19 the licensed premises.

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

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