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March 1, 2018

By: Bice

An Act relating to alcoholic beverages; amending Section 93, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2017, Section 3-123), which relates to sales of beverages to wholesalers or retailers; modifying prohibitions relating to price discrimination; and providing an effective date.

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

SECTION 1. AMENDATORY Section 93, Chapter 366, O.S.L.
2016 (37A O.S. Supp. 2017, Section 3-123), is amended to read as
follows:

Section 3-123. A. It shall be unlawful for any person
privileged to sell alcoholic beverages to wholesalers or retailers:

1. To discriminate, directly or indirectly, in price between one wine and spirits wholesaler and another wine and spirits wholesaler within a county, when that manufacturer has not designated a single wine and spirits wholesaler, or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand or trade name and of like age and quality within a county; or

1 2. To grant, directly or indirectly, any discount, rebate, free
2 goods, allowance or other inducement.

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

12 C. For the violation of any provision of this section or of any
13 rule duly promulgated under this section, the ABLE Commission may
14 suspend or revoke a license as follows:

15 1. For a first offense, not exceeding ten (10) days' suspension
16 of license;

17 2. For a second offense, not exceeding thirty (30) days'
18 suspension of license; and

19 3. For a third offense, the ABLE Commission shall revoke the
20 license.

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
23 March 1, 2018 - DO PASS
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