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February 23, 2017

By: Bice

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

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

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

Section 3-124. A. Sale of alcoholic beverages by the individual drink for on-premises consumption shall be unlawful in any county of this state unless the sale has been approved by a majority of the registered voters of the county voting thereon at a special election called by the board of county commissioners. Such election shall be called by the board of county commissioners upon receipt of a petition signed by registered voters constituting not less than fifteen percent (15%) of the total votes cast in the

1 county in the last General Election for the Office of Governor, or
2 such election may be called by the board of county commissioners
3 upon its own motion. At the time such election is called, the
4 proposition shall include those days or portions of days, if any, on
5 which sales of alcoholic beverages by the individual drink are not
6 authorized. If the proposition is the result of a motion of the
7 board of county commissioners, then the ABLE Commission shall
8 designate the days or portions of days, if any, on which the sales
9 of alcoholic beverages are not authorized. If the proposition is
10 the result of a petition, such petition shall specify days or
11 portions of days, if any, on which the sales of alcoholic beverages
12 are not authorized.

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

19 B. Sales of alcoholic beverages on Sundays by retail spirits
20 licensees shall be unlawful in any county of this state unless
21 approved by a majority of the registered voters of the county voting
22 thereon at a special election called by the board of county
23 commissioners. Such election shall be called by the board of county
24 commissioners upon receipt of a petition signed by registered voters

1 constituting not less than fifteen percent (15%) of the total votes
2 cast in the county in the last General Election for the Office of
3 Governor, or such election may be called by the board of county
4 commissioners upon its own motion.

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

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

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

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

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

21 spirits licensees shall be permitted to sell alcoholic beverages on
22 the day of any General, Primary, Runoff Primary or Special Election
23 whether on a national, state, county or city election, provided that

1 the election day does not occur on any day on which such sales are
2 otherwise prohibited by law;

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

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

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

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

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

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
20 February 23, 2017 - DO PASS
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