

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 113

By: Bergstrom of the Senate

and

McEntire of the House

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to sales of alcoholic beverages on  
12           credit; amending Section 148, Chapter 366, O.S.L.  
13           2016, as amended by Section 3, Chapter 84, O.S.L.  
14           2017 (37A O.S. Supp. 2018, Section 6-108), which  
15           relates to Retail Wine and Beer Licenses; construing  
16           for certain membership accounts to not be extension  
17           of credit; providing an effective date; and declaring  
18           an emergency.

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

20           SECTION 1.           AMENDATORY           Section 148, Chapter 366, O.S.L.  
21           2016, as amended by Section 3, Chapter 84, O.S.L. 2017 (37A O.S.  
22           Supp. 2018, Section 6-108), is amended to read as follows:

23           Section 6-108. No holder of a Retail Wine License or a Retail  
24           Beer License shall:

1        1. Purchase or receive any alcoholic beverage other than from a  
2 wine and spirits wholesaler, beer distributor, winery or small  
3 brewer self-distribution licensee;

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

7        3. Sell any beer or wine at any hour other than between the  
8 hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through  
9 Sunday. Retail wine and retail beer licensees shall be permitted to  
10 sell beer and wine on the day of any General, Primary, Runoff  
11 Primary or Special Election whether on a national, state, county or  
12 city election;

13        4. Sell any beer and wine on credit; ~~provided, that~~ except as  
14 follows:

15            a.    the acceptance by a grocery store, convenience store  
16                    or drug store of a cash or debit card, or a nationally  
17                    recognized credit card, in lieu of actual cash payment  
18                    does not constitute the extension of credit; provided,  
19                    further, as used in this section:

20            ~~a.~~

21                    (1) "cash or debit card" means any instrument or  
22                    device whether known as a debit card or by any  
23                    other name, issued with or without fee by an  
24                    issuer for the use of the cardholder in

1                    depositing, obtaining or transferring funds from  
2                    a consumer banking electronic facility, and

3                    ~~b.~~

4                    (2) "nationally recognized credit card" means any  
5                    instrument or device, whether known as a credit  
6                    card, credit plate, charge plate or by any other  
7                    name, issued with or without fee by an issuer for  
8                    the use of the cardholder in obtaining money,  
9                    goods, services or anything else of value on  
10                   credit which is accepted by over one hundred  
11                   retail locations, and

12                   b. when the holder of a Retail Wine License, Retail Beer  
13                   License or Mixed Beverage License is a private  
14                   membership club, marina, golf course or country club  
15                   that normally charges food, drinks and other purchases  
16                   to the member's monthly dues account in the regular  
17                   course of business, in lieu of actual cash payment at  
18                   the time of purchase, such practice does not  
19                   constitute the extension of credit;

20                   5. Offer or furnish any prize, premium, gift or similar  
21                   inducement to a consumer in connection with the sale of beer or  
22                   wine, except that goods or merchandise included by the manufacturer  
23                   in packaging with beer or wine or for packaging with beer or wine  
24                   shall not be included in this prohibition; but no retail wine or

1 retail beer licensee shall sell any beer or wine prepackaged with  
2 other goods or merchandise at a price which is greater than the  
3 price at which the alcoholic beverage alone is sold; or

4 6. Pay for beer or wine by a check or draft which is dishonored  
5 by the drawee when presented to such drawee for payment; and the  
6 ABLE Commission may cancel or suspend the license of any retailer  
7 who has given a check or draft, as maker or endorser, which is so  
8 dishonored upon presentation.

9 SECTION 2. This act shall become effective July 1, 2019.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
16 04/11/2019 - DO PASS, As Amended.  
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