

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2404

By: Kannady

AS INTRODUCED

An Act relating to retail spirits licensees; amending Section 143, Chapter 366, O.S.L. 2016, as last amended by Section 2, Chapter 340, O.S.L. 2017 (37A O.S. Supp. 2018, Section 6-103), which relates to prohibited acts of retail spirits licensees; excluding from inducements certain sales of alcoholic beverages; prohibiting certain sales of alcoholic beverages packaged with goods or merchandise; allowing supervised children under twelve years of age to enter into licensed premises; and providing an effective date.

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

SECTION 1. AMENDATORY Section 143, Chapter 366, O.S.L. 2016, as last amended by Section 2, Chapter 340, O.S.L. 2017 (37A O.S. Supp. 2018, Section 6-103), is amended to read as follows:

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

1. Purchase or receive any alcoholic beverage other than from a wine and spirits wholesaler, beer distributor, winery or small brewer self-distribution licensee who elects to self-distribute;
2. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, unless otherwise permitted by law;

1 3. Sell any alcoholic beverages at any hour other than between
2 the hours of 8:00 a.m. and midnight Monday through Saturday, and
3 shall not be permitted to be open on Thanksgiving Day or Christmas
4 Day; provided, a county may, pursuant to the provisions of
5 subsections B and C of Section 3-124 of this title, elect to allow
6 such sales between the hours of noon and midnight on Sunday. Retail
7 spirits licensees shall be permitted to sell alcoholic beverages on
8 the day of any General, Primary, Runoff Primary or Special Election
9 whether on a national, state, county or city election, provided that
10 the election day does not occur on any day on which such sales are
11 otherwise prohibited by law;

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

15 5. Sell any alcoholic beverage on credit; provided, that
16 acceptance by a licensee of a cash or debit card or a nationally
17 recognized credit card in lieu of actual cash payment does not
18 constitute the extension of credit; provided, further, as used in
19 this section:

- 20 a. "cash or debit card" means any instrument or device
21 whether known as a debit card or by any other name,
22 issued with or without fee by an issuer for the use of
23 the cardholder in depositing, obtaining or
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1 transferring funds from a consumer banking electronic
2 facility, and

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

10 6. Offer or furnish any prize, premium, gift or similar
11 inducement to a consumer in connection with the sale of alcoholic
12 beverages; provided that:

- 13 a. goods or merchandise included by the manufacturer in
14 packaging with alcoholic beverages or for packaging
15 with alcoholic beverages shall not be included in this
16 prohibition; however, no wholesaler or retailer shall
17 sell any alcoholic beverage prepackaged with other
18 goods or merchandise at a price which is greater than
19 the price at which the alcoholic beverage alone is
20 sold, and

- 21 b. the offering of a discounted price for purchase of a
22 certain quantity of product shall not be considered an
23 inducement for purposes of this paragraph; or
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1 7. Pay for alcoholic beverages by a check or draft which is
2 dishonored by the drawee when presented to such drawee for payment;
3 and the ABLE Commission may cancel or suspend the license of any
4 retailer who has given a check or draft, as maker or endorser, which
5 is so dishonored upon presentation.

6 B. No retail spirits licensee shall permit any person under
7 twenty-one (21) years of age to enter into or remain within or about
8 the licensed premises unless said person is under the age of twelve
9 (12) and accompanied by an adult who holds direct supervisory
10 responsibility over said minor.

11 SECTION 2. This act shall become effective November 1, 2019.

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