

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 860

By: Bice

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 148, Chapter 366, O.S.L. 2016, as amended by Section 3, Chapter 84, O.S.L. 2017 (37A O.S. Supp. 2018, Section 6-108), which relates to prohibited acts of retail wine or retail beer licensees; defining term; and providing an effective date.

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

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

Section 6-108. No holder of a Retail Wine License or a Retail Beer License 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;

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

7 4. Sell any beer and wine on credit; provided, that acceptance
8 by a grocery store, convenience store or drug store of a cash or
9 debit card, or a nationally recognized credit card, in lieu of
10 actual cash payment does not constitute the extension of credit;
11 provided, further, as used in this section:

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

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

1 5. Offer or furnish any prize, premium, gift or similar
2 inducement to a consumer in connection with the sale of beer or
3 wine, except that goods or merchandise included by the manufacturer
4 in packaging with beer or wine or for packaging with beer or wine
5 shall not be included in this prohibition; but no retail wine or
6 retail beer licensee shall sell any beer or wine prepackaged with
7 other goods or merchandise at a price which is greater than the
8 price at which the alcoholic beverage alone is sold. For purposes
9 of this paragraph, "inducement" means an added physical prize,
10 premium item, gift or similar physical object or coupon given to a
11 customer to encourage a particular brand purchase or repurchase of
12 such brand in the future and the term inducement does not include
13 any manufacturer prepackage coupling of wine and items or any
14 displays, pictures, racks, shelves, actual store stock wherever
15 placed, or creative arrangement of actual sealed wine containers or
16 bottles; or

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

22 SECTION 2. This act shall become effective November 1, 2019.
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24 57-1-924 NP 2/6/2019 9:32:50 AM