

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2126 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Marcus McEntire

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2126

By: McEntire

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to alcoholic beverages; creating the grocery and convenience store spirits license; providing license requirements; amending Section 13, Chapter 366, O.S.L. 2016, as last amended by Section 9, Chapter 161, O.S.L. 2020 (37A O.S. Supp. 2020, Section 2-101), which relates to license fees and surcharges; adding grocery and convenience store spirits license fee and surcharge; amending Section 53, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020, Section 2-141), which relates to applications for a license; adding grocery and convenience store spirits license to the listed applications; amending Section 60, Chapter 366, O.S.L. 2016, as last amended by Section 18, Chapter 161, O.S.L. 2020 (37A O.S. Supp. 2020, Section 2-148), which relates to grounds for revocation of license; adding grocery and convenience store spirits license to list of licenses that can be revoked; amending Section 1, Chapter 155, O.S.L. 2020 (37A O.S. Supp. 2020, Section 2-161), which relates to selling curbside and by delivery; adding the grocery and convenience store license to the approved licenses to sell curbside and by delivery; amending Section 143, Chapter 366, O.S.L. 2016, as last amended by Section 1, Chapter 237, O.S.L. 2019 (37A O.S. Supp. 2020, Section 6-103), which relates to retail spirits licensee prohibited acts; adding grocery and convenience store spirits licensees; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. A grocery and convenience store spirits license shall  
6 authorize the holder thereof:

7 1. To purchase wine or spirits from a wine and spirits  
8 wholesaler;

9 2. To purchase beer from a beer distributor or from the holder  
10 of a small brewer self-distribution license; and

11 3. To sell same on the licensed premises in such containers to  
12 consumers for off-premises consumption only and not for resale;  
13 provided, spirits, wine and beer may be sold to charitable  
14 organizations that are holders of charitable alcoholic beverage  
15 auction or charitable alcoholic beverage event licenses.

16 B. Businesses that qualify for a grocery and convenience store  
17 spirits license:

18 1. Grocery stores; and

19 2. Convenience stores.

20 SECTION 2. AMENDATORY Section 13, Chapter 366, O.S.L.  
21 2016, as last amended by Section 9, Chapter 161, O.S.L. 2020 (37A  
22 O.S. Supp. 2020, Section 2-101), is amended to read as follows:

23

24

Section 2-101. A. Except as otherwise provided in this section, the licenses issued by the ABLE Commission, and the annual fees therefor, shall be as follows:

1. Brewer License.....	\$1,250.00
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2. Small Brewer License..... \$125.00

3. Distiller License.....	\$3,125.00
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4. Winemaker License.....	\$625.00
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5. Small Farm Winery License.....	\$75.00
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6. Rectifier License.....	\$3,125.00
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7. Wine and Spirits Wholesaler License.....	\$3,000.00
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8. Beer Distributor License.....	\$750.00
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9. The following retail spirits license fees

shall be determined by the latest Federal

Decennial Census:

a. Retail Spirits License for cities and

towns from 200 to 2,500 population.....\$305.00

b. Retail Spirits License for cities and

towns from 2,501 to 5,000 population.....	\$605.00
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c. Retail Spirits License for cities and

towns over 5,000 population.....	\$905.00
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10.	Retail Wine License.....	\$1,000.00
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11.	Retail Beer License.....	\$500.00
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12. Mixed Beverage License.....	\$1,005.00
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(initial license)

1		\$905.00
2		(renewal)
3	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
4	14. On-Premises Beer and Wine License.....	\$500.00
5		(initial license)
6		\$450.00
7		(renewal)
8	15. Bottle Club License.....	\$1,000.00
9		(initial license)
10		\$900.00
11		(renewal)
12	16. Caterer License.....	\$1,005.00
13		(initial license)
14		\$905.00
15		(renewal)
16	17. Annual Special Event License.....	\$55.00
17	18. Quarterly Special Event License.....	\$55.00
18	19. Hotel Beverage License.....	\$1,005.00
19		(initial license)
20		\$905.00
21		(renewal)
22	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
23	License.....	\$1,005.00
24		(initial license)

1		\$905.00
2		(renewal)
3	21. Agent License.....	\$55.00
4	22. Employee License.....	\$30.00
5	23. Industrial License.....	\$23.00
6	24. Carrier License.....	\$23.00
7	25. Private Carrier License.....	\$23.00
8	26. Bonded Warehouse License.....	\$190.00
9	27. Storage License.....	\$23.00
10	28. Nonresident Seller License or Manufacturer's	
11	License.....	\$750.00
12	29. Manufacturer's Agent License.....	\$55.00
13	30. Sacramental Wine Supplier License.....	\$100.00
14	31. Charitable Auction License.....	\$1.00
15	32. Charitable Alcoholic Beverage License.....	\$55.00
16	33. Winemaker Self-Distribution License.....	\$750.00
17	34. Annual Public Event License.....	\$1,005.00
18	35. One-Time Public Event License.....	\$255.00
19	36. Small Brewer Self-Distribution License.....	\$750.00
20	37. Brewpub License.....	\$1,005.00
21	38. Brewpub Self-Distribution License.....	\$750.00
22	39. Complimentary Beverage License.....	\$75.00
23	40. Satellite Tasting Room License.....	\$100.00
24		

1     41. The following Grocery, Big Box and  
2         Convenience Store Spirits License fees shall  
3         be determined by the latest Federal  
4         Decennial Census:  
5         a. Grocery and Convenience Store Spirits  
6             License for cities and towns from 200  
7             to 2,500 population..... \$305.00  
8         b. Grocery and Convenience Store Spirits  
9             License for cities and towns from 2,501  
10            to 5,000 population..... \$605.00  
11         c. Grocery and Convenience Store Spirits  
12             License for cities and towns over 5,000  
13             population..... \$905.00

14         B. 1. There shall be added to the initial or renewal fees for  
15 a Mixed Beverage License an administrative fee, which shall not be  
16 deemed to be a license fee, in the amount of Five Hundred Dollars  
17 (\$500.00), which shall be paid at the same time and in the same  
18 manner as the license fees prescribed by paragraph 12 of subsection  
19 A of this section; provided, this fee shall not be assessed against  
20 service organizations or fraternal beneficiary societies which are  
21 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue  
22 Code.

23         2. There shall be added to the fee for a Mixed Beverage/Caterer  
24 Combination License an administrative fee, which shall not be deemed

1 to be a license fee, in the amount of Two Hundred Fifty Dollars  
2 (\$250.00), which shall be paid at the same time and in the same  
3 manner as the license fee prescribed by paragraph 13 of subsection A  
4 of this section.

5 C. Notwithstanding the provisions of subsection A of this  
6 section:

7 1. The license fee for a mixed beverage or bottle club license  
8 for those service organizations or fraternal beneficiary societies  
9 which are exempt under Section 501(c)(19), (8) or (10) of the  
10 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per  
11 year; and

12 2. The renewal fee for an airline/railroad/commercial passenger  
13 vessel beverage license held by a railroad described in 49 U.S.C.,  
14 Section 24301, shall be One Hundred Dollars (\$100.00).

15 D. An applicant may apply for and receive both an on-premises  
16 beer and wine license and a caterer license.

17 E. All licenses, except as otherwise provided, shall be valid  
18 for one (1) year from date of issuance unless revoked or  
19 surrendered. Provided, all employee licenses shall be valid for two  
20 (2) years.

21 F. The holder of a license, issued by the ABLE Commission, for  
22 a bottle club located in a county of this state where the sale of  
23 alcoholic beverages by the individual drink for on-premises  
24 consumption has been authorized, may exchange the bottle club



1 license for a mixed beverage license or an on-premises beer and wine  
2 license and operate the licensed premises as a mixed beverage  
3 establishment or an on-premises beer and wine establishment subject  
4 to the provisions of the Oklahoma Alcoholic Beverage Control Act.  
5 There shall be no additional fee for such exchange and the mixed  
6 beverage license or on-premises beer and wine license issued shall  
7 expire one (1) year from the date of issuance of the original bottle  
8 club license.

9 G. In addition to the applicable licensing fee, the following  
10 surcharge shall be assessed annually on the following licenses:

- 11 1. Nonresident Seller or Manufacturer License..... \$2,500.00
- 12 2. Wine and Spirits Wholesaler License..... \$2,500.00
- 13 3. Beer Distributor..... \$1,000.00
- 14 4. Retail Spirits License for cities and towns  
15 over 5,000 population..... \$250.00
- 16 5. Retail Spirits License for cities and towns  
17 from 2,501 to 5,000 population..... \$200.00
- 18 6. Retail Spirits License for cities and towns  
19 from 200 to 2,500 population..... \$150.00
- 20 7. Retail Wine License..... \$250.00
- 21 8. Retail Beer License..... \$250.00
- 22 9. Mixed Beverage License..... \$25.00
- 23 10. Mixed Beverage/Caterer Combination License..... \$25.00
- 24 11. Caterer License..... \$25.00

12.	On-Premises Beer and Wine License.....	\$25.00
13.	Annual Public Event License.....	\$25.00
14.	Small Farm Winery License.....	\$25.00
15.	Small Brewer License.....	\$35.00
16.	Complimentary Beverage License.....	\$25.00
17.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns over 5,000</u>	
	<u>population.....</u>	<u>\$250.00</u>
18.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 2,501 to</u>	
	<u>5,000 population.....</u>	<u>\$200.00</u>
19.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 200 to</u>	
	<u>2,500 population.....</u>	<u>\$150.00</u>

The surcharge shall be paid concurrent with the licensee's annual licensing fee and, in addition to Five Dollars (\$5.00) of the employee license fee, shall be deposited in the Alcoholic Beverage Governance Revolving Fund established pursuant to Section 5-128 of this title.

H. Any license issued by the ABLE Commission under this title may be relied upon by other licensees as a valid license, and no other licensee shall have any obligation to independently determine the validity of such license or be held liable solely as a

1 consequence of another licensee's failure to maintain a valid  
2 license.

3 SECTION 3. AMENDATORY Section 53, Chapter 366, O.S.L.  
4 2016 (37A O.S. Supp. 2020, Section 2-141), is amended to read as  
5 follows:

6 Section 2-141. Applicants for original brewer, distiller,  
7 winemaker, rectifier, wine and spirits wholesaler, beer distributor,  
8 mixed beverage, beer and wine, bottle club, caterer, grocery and  
9 convenience store spirits, retail spirits, retail wine or retail  
10 beer licenses shall, prior to applying for such license, twice  
11 publish, in such form and containing such information as the ABLE  
12 Commission shall by rule prescribe, a notice of its intention to  
13 apply for any such license, once a week for two (2) successive weeks  
14 in a legal newspaper of general circulation within the county where  
15 the proposed premises is to be located, and file proof of such  
16 publication with the ABLE Commission. Unless otherwise provided,  
17 the ABLE Commission shall give notice of approval or disapproval of  
18 an application for a license within thirty (30) days after the  
19 filing of the application. The ABLE Commission shall give notice of  
20 approval or disapproval of an application for a mixed beverage, beer  
21 and wine, bottle club or caterer license within sixty (60) days  
22 after the filing of the application. Provided, the ABLE Commission  
23 may extend the period for making a determination of whether to  
24 approve or disapprove an application an additional thirty (30) days

1 for good cause. The ABLE Commission may conditionally approve any  
2 application which is subject to Section 54 of this act if:

3 1. Construction, modification or alteration of premises  
4 proposed for licensed operations is not completed; and

5 2. The applicant furnishes a conditional certification issued  
6 by the municipality or county that the applicant's plans and  
7 specifications indicate that the proposed premises will comply with  
8 the municipality's or county's zoning, fire, safety and health  
9 codes.

10 The ABLE Commission shall issue its final notice of approval  
11 when the applicant furnishes final certificates required by Section  
12 54 of this act.

13 SECTION 4. AMENDATORY Section 60, Chapter 366, O.S.L.  
14 2016, as last amended by Section 18, Chapter 161, O.S.L. 2020 (37A  
15 O.S. Supp. 2020, Section 2-148), is amended to read as follows:

16 Section 2-148. A. Any license issued pursuant to the  
17 provisions of the Oklahoma Alcoholic Beverage Control Act by the  
18 ABLE Commission, after due notice and hearing, may be revoked or  
19 suspended if the ABLE Commission finds or has grounds to believe  
20 that the licensee has:

21 1. Violated any rule promulgated by the ABLE Commission;

22 2. Procured a license through fraud, or misrepresentation, or  
23 concealment of a material fact;

1       3. Made any false representation or statement to the ABLE  
2 Commission or the Oklahoma Tax Commission in order to prevent or  
3 induce action by the ABLE Commission or the Tax Commission;

4       4. Maintained an unsanitary establishment or has supplied  
5 impure or otherwise deleterious beverages or food;

6       5. Stored, possessed, mixed or served on the premises of a  
7 bottle club any alcoholic beverage upon which the tax levied by  
8 Section 5-101 of this title has not been paid as provided for in the  
9 Oklahoma Alcoholic Beverage Control Act, in a county of this state  
10 where the sale of alcoholic beverages by the individual drink for  
11 on-premises consumption has not been authorized;

12       6. Misrepresented to a customer or the public any alcoholic  
13 beverage sold by the licensee;

14       7. Had any permit or license issued by the Tax Commission and  
15 required by the Oklahoma Alcoholic Beverage Control Act, suspended  
16 or revoked by the Tax Commission; or

17       8. Is not in compliance with the tax laws of this state as  
18 required in Article XXVIII-A of the Oklahoma Constitution.

19       B. The ABLE Commission may revoke or suspend the license of any  
20 mixed beverage, caterer or bottle club licensee if the ABLE  
21 Commission finds or has grounds to believe that such licensee:

22       1. Has acted as an agent of a manufacturer, brewer or  
23 wholesaler of alcoholic beverages;

1        2. Is a manufacturer, brewer or wholesaler of alcoholic  
2 beverages;

3        3. Has borrowed money or property or accepted gratuities or  
4 rebates from a manufacturer, brewer or wholesaler of alcoholic  
5 beverages;

6        4. Has obtained the use of equipment from any manufacturer,  
7 brewer or wholesaler of alcoholic beverages or any agent thereof;

8        5. Has violated any of the provisions of the Oklahoma Alcoholic  
9 Beverage Control Act for which mandatory revocation or suspension is  
10 not required;

11       6. Has been convicted within the past twenty-five (25) years,  
12 of a violation of any state or federal law relating to alcoholic  
13 beverage for which mandatory revocation or suspension is not  
14 required; or

15       7. Is not in compliance with the tax laws of this state as  
16 required in Article XXVIII-A of the Oklahoma Constitution.

17       C. The ABLE Commission may revoke or suspend the license of any  
18 grocery and convenience store spirits, retail, mixed beverage,  
19 caterer or bottle club licensee if the ABLE Commission finds or has  
20 grounds to believe that such licensee has borrowed money or property  
21 or accepted gratuities, discounts, rebates, free goods, allowances  
22 or other inducements from a wine and spirits wholesaler or beer  
23 distributor.

1 D. The ABLE Commission shall have the authority to revoke the  
2 license of any licensee if the ABLE Commission finds:

3 1. That the licensee knowingly sold alcoholic beverages or  
4 allowed such beverages to be sold, delivered or furnished to any  
5 person under the age of twenty-one (21) years or to any person  
6 visibly intoxicated or adjudged insane or mentally deficient;

7 2. That the licensee, any general or limited partner of the  
8 licensee, or in the case of a corporation, an officer or director of  
9 the corporation, has been convicted of a felony or is not in  
10 compliance with the tax laws of this state as required in Article  
11 XXVIII-A of the Oklahoma Constitution. Provided, an employee  
12 license may be issued and held by a person who has been convicted of  
13 a felony if such conviction was not for a violent offense specified  
14 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes  
15 or an offense under the provisions of this title;

16 3. That, in the case of a wine and spirits wholesaler, beer  
17 distributor, grocery spirits, retail spirits, retail wine or retail  
18 beer licensee, the holder of the license or any member of a general  
19 or limited partnership which is the holder of such a license, has  
20 been convicted of a prohibitory law relating to the sale,  
21 manufacture or transportation of alcoholic beverages which  
22 constitutes a felony.

23 E. If the ABLE Commission shall find by a preponderance of the  
24 evidence as in civil cases that a licensee has knowingly sold any

1 alcoholic beverage to any person under the age of twenty-one (21)  
2 years, after a public hearing, the ABLE Commission shall revoke such  
3 license and no discretion as to the revocation shall be exercised by  
4 the ABLE Commission.

5 F. The ABLE Commission shall have the authority to promulgate  
6 rules to establish a penalty schedule for violations of any  
7 provision of the Oklahoma Alcoholic Beverage Control Act or any rule  
8 of the ABLE Commission. The schedule shall provide for suspension  
9 or revocation of any license for major and minor violations as  
10 determined by the ABLE Commission. Penalties shall be increasingly  
11 severe with each violation by a licensee.

12 Provided, that for a fourth major violation by a licensee within  
13 a twenty-four-month period, the penalty shall be mandatory  
14 revocation of license. The twenty-four-month period shall be  
15 calculated from the date of the most recent violation as set forth  
16 in an order signed by the Director or the designee of the Director.

17 G. The ABLE Commission or the Tax Commission may impose a  
18 monetary penalty in lieu of or in addition to suspension of a  
19 license. The amount of the fine for a major violation shall be  
20 computed by multiplying the proposed number of days of the  
21 suspension period by One Hundred Dollars (\$100.00). The amount of  
22 the fine for a minor violation shall be computed by multiplying the  
23 number of days of the proposed suspension period by Fifty Dollars  
24 (\$50.00).



1 H. The failure of any licensee to pay a fine or serve a  
2 suspension imposed by the ABLE Commission or the Tax Commission  
3 shall result in the revocation of the license of the licensee.

4 I. If the ABLE Commission or the Tax Commission finds that  
5 public health, safety or welfare require emergency action, and  
6 incorporates a finding to that effect in its order, summary  
7 suspension of a license may be ordered pending proceeding for  
8 revocation or other action, pursuant to the provisions of Section  
9 314 of Title 75 of the Oklahoma Statutes.

10 SECTION 5. AMENDATORY Section 1, Chapter 155, O.S.L.  
11 2020 (37A O.S. Supp. 2020, Section 2-161), is amended to read as  
12 follows:

13 Section 2-161. A. Retail spirit and grocery and convenience  
14 store spirit licensees may sell curbside and deliver alcoholic  
15 beverages including beer, wine, and spirits in sealed original  
16 containers to consumers aged twenty-one (21) years and older as  
17 follows:

18 1. Only employees of the retail spirit or grocery and  
19 convenience store spirit licensee shall be permitted to make  
20 alcoholic beverage product deliveries to consumers;

21 2. Payment for alcoholic beverage product delivery by the  
22 retail spirit licensee may be made by cash, check, transportable  
23 credit/debit card processors or advance on-line payment methods; and  
24

1        3. The retail spirit or grocery and convenience store spirit  
2 licensee shall be responsible for his or her delivery employees as  
3 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this  
4 title.

5        B. Small brewers and small farm wineries licensed by the  
6 Oklahoma ABLE Commission may sell curbside only alcoholic beverages  
7 produced by such licensee in sealed original containers to consumers  
8 aged twenty-one (21) years and older as follows:

9        1. Only employees of the licensed small brewer or small farm  
10 winery shall be permitted to make alcoholic beverage product  
11 deliveries to consumers;

12        2. Payment for alcoholic beverage product delivery by licensed  
13 small brewers or small farm wineries may be made by cash, check,  
14 transportable credit/debit card processors, or advance on-line  
15 payment methods; and

16        3. Small brewers and small farm wineries shall be responsible  
17 for their delivery employees as provided in Section 2-133 of ~~Title~~  
18 ~~37A of the Oklahoma Statutes~~ this title.

19        C. Restaurants, bars and clubs holding mixed beverage, beer and  
20 wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE  
21 Commission may sell curbside and deliver only closed packages of  
22 beer and wine to consumers aged twenty-one (21) years and older as  
23 follows:  
24

1        1. Only employees of such restaurant, bar or club licensee  
2 shall be permitted to make alcoholic beverage package deliveries to  
3 consumers;

4        2. Payment for alcoholic beverage package delivery by licensed  
5 restaurants, bars and clubs may be made by cash, check,  
6 transportable credit/debit card processors, or advance on-line  
7 payment methods; and

8        3. Restaurants, bars and clubs licensed by the Oklahoma ABLE  
9 Commission shall be responsible for their delivery employees as  
10 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this  
11 title.

12        D. Grocery and convenience stores holding a retail beer and/or  
13 retail wine license issued by the Oklahoma ABLE Commission may sell  
14 curbside and deliver original sealed containers of beer and/or wine  
15 only according to the license held to consumers aged twenty-one (21)  
16 years and older as follows:

17        1. Only employees of such licensed grocery or convenience store  
18 shall be permitted to make alcoholic beverage product deliveries to  
19 consumers;

20        2. Payment for alcoholic beverage product delivery by a  
21 licensed grocery or convenience store may be made by cash, check,  
22 transportable credit/debit card processors or advance on-line  
23 payment methods; and  
24

1        3. Grocery and convenience store licensees shall be responsible  
2 for their delivery employees as provided in Section 2-133 of ~~Title~~  
3 ~~37A of the Oklahoma Statutes~~ this title.

4        E. Licensees authorized by this section to make alcoholic  
5 beverage product deliveries to consumers are prohibited from  
6 utilizing third-party vendors or delivery services for purposes of  
7 completing such product deliveries to consumers.

8        F. Licensees authorized by this section to make alcoholic  
9 beverage product deliveries to consumers shall comply with the laws,  
10 rules, procedures and executive orders incumbent on such licensee.

11        G. The Oklahoma ABLE Commission is authorized to promulgate  
12 rules, regulations, forms and procedures necessary to implement and  
13 enforce the provisions of this section.

14        H. For purposes of this section each delivery authorized by a  
15 licensee to be made by his or her employee shall be deemed a direct  
16 hand-to-hand sale as though the consumer was physically present on  
17 the licensed premises and authorized by law by such licensee.

18        SECTION 6.        AMENDATORY        Section 143, Chapter 366, O.S.L.  
19 2016, as last amended by Section 1, Chapter 237, O.S.L. 2019 (37A  
20 O.S. Supp. 2020, Section 6-103), is amended to read as follows:

21        Section 6-103. A. No retail spirits or grocery and convenience  
22 store spirits licensee shall:  
23  
24

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 who elects to self-distribute;

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

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

21        5. Sell any alcoholic beverage on credit; provided, that  
22 acceptance by a licensee of a cash or debit card or a nationally  
23 recognized credit card in lieu of actual cash payment does not  
24

1 constitute the extension of credit; provided, further, as used in  
2 this section:

3           a.    "cash or debit card" means any instrument or device  
4                   whether known as a debit card or by any other name,  
5                   issued with or without fee by an issuer for the use of  
6                   the cardholder in depositing, obtaining or  
7                   transferring funds from a consumer banking electronic  
8                   facility, and

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

16       6.   Offer or furnish any prize, premium, gift or similar  
17   inducement to a consumer in connection with the sale of alcoholic  
18   beverages, except that goods or merchandise included by the  
19   manufacturer in packaging with alcoholic beverages or for packaging  
20   with alcoholic beverages shall not be included in this prohibition,  
21   but no wholesaler or retailer shall sell any alcoholic beverage  
22   prepackaged with other goods or merchandise at a price which is  
23   greater than the price at which the alcoholic beverage alone is  
24   sold; or

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 accompanied by the person's parent or  
9 legal guardian.

10        SECTION 7. This act shall become effective November 1, 2021.

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