

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2126

By: McEntire

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; providing for codification; and providing an effective date.

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

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

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

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

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

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

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

17 1. Grocery stores; and

18 2. Convenience stores.

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

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

1	1. Brewer License.....	\$1,250.00
2	2. Small Brewer License.....	\$125.00
3	3. Distiller License.....	\$3,125.00
4	4. Winemaker License.....	\$625.00
5	5. Small Farm Winery License.....	\$75.00
6	6. Rectifier License.....	\$3,125.00
7	7. Wine and Spirits Wholesaler License.....	\$3,000.00
8	8. Beer Distributor License.....	\$750.00
9	9. The following retail spirits license fees	
10	shall be determined by the latest Federal	
11	Decennial Census:	
12	a. Retail Spirits License for cities and	
13	towns from 200 to 2,500 population.....	\$305.00
14	b. Retail Spirits License for cities and	
15	towns from 2,501 to 5,000 population.....	\$605.00
16	c. Retail Spirits License for cities and	
17	towns over 5,000 population.....	\$905.00
18	10. Retail Wine License.....	\$1,000.00
19	11. Retail Beer License.....	\$500.00
20	12. Mixed Beverage License.....	\$1,005.00
21		(initial license)
22		\$905.00
23		(renewal)
24	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00

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

22.	Employee License.....	\$30.00
23.	Industrial License.....	\$23.00
24.	Carrier License.....	\$23.00
25.	Private Carrier License.....	\$23.00
26.	Bonded Warehouse License.....	\$190.00
27.	Storage License.....	\$23.00
28.	Nonresident Seller License or Manufacturer's License.....	\$750.00
29.	Manufacturer's Agent License.....	\$55.00
30.	Sacramental Wine Supplier License.....	\$100.00
31.	Charitable Auction License.....	\$1.00
32.	Charitable Alcoholic Beverage License.....	\$55.00
33.	Winemaker Self-Distribution License.....	\$750.00
34.	Annual Public Event License.....	\$1,005.00
35.	One-Time Public Event License.....	\$255.00
36.	Small Brewer Self-Distribution License.....	\$750.00
37.	Brewpub License.....	\$1,005.00
38.	Brewpub Self-Distribution License.....	\$750.00
39.	Complimentary Beverage License.....	\$75.00
40.	Satellite Tasting Room License.....	\$100.00

41. The following Grocery, Big Box and
Convenience Store Spirits License fees shall
be determined by the latest Federal
Decennial Census:

a.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 200</u>	
	<u>to 2,500 population.....</u>	<u>\$305.00</u>
b.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 2,501</u>	
	<u>to 5,000 population.....</u>	<u>\$605.00</u>
c.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns over 5,000</u>	
	<u>population.....</u>	<u>\$905.00</u>

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

2. There shall be added to the fee for a Mixed Beverage/Caterer Combination License an administrative fee, which shall not be deemed to be a license fee, in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be paid at the same time and in the same manner as the license fee prescribed by paragraph 13 of subsection A of this section.

1 C. Notwithstanding the provisions of subsection A of this
2 section:

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

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

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

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

17 F. The holder of a license, issued by the ABLE Commission, for
18 a bottle club located in a county of this state where the sale of
19 alcoholic beverages by the individual drink for on-premises
20 consumption has been authorized, may exchange the bottle club
21 license for a mixed beverage license or an on-premises beer and wine
22 license and operate the licensed premises as a mixed beverage
23 establishment or an on-premises beer and wine establishment subject
24 to the provisions of the Oklahoma Alcoholic Beverage Control Act.

1 There shall be no additional fee for such exchange and the mixed
2 beverage license or on-premises beer and wine license issued shall
3 expire one (1) year from the date of issuance of the original bottle
4 club license.

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

- 7 1. Nonresident Seller or Manufacturer License..... \$2,500.00
- 8 2. Wine and Spirits Wholesaler License..... \$2,500.00
- 9 3. Beer Distributor..... \$1,000.00
- 10 4. Retail Spirits License for cities and towns
11 over 5,000 population..... \$250.00
- 12 5. Retail Spirits License for cities and towns
13 from 2,501 to 5,000 population..... \$200.00
- 14 6. Retail Spirits License for cities and towns
15 from 200 to 2,500 population..... \$150.00
- 16 7. Retail Wine License..... \$250.00
- 17 8. Retail Beer License..... \$250.00
- 18 9. Mixed Beverage License..... \$25.00
- 19 10. Mixed Beverage/Caterer Combination License..... \$25.00
- 20 11. Caterer License..... \$25.00
- 21 12. On-Premises Beer and Wine License..... \$25.00
- 22 13. Annual Public Event License..... \$25.00
- 23 14. Small Farm Winery License..... \$25.00
- 24 15. Small Brewer License..... \$35.00

1 16. Complimentary Beverage License..... \$25.00

2 17. Grocery and Convenience Store Spirits

3 License for cities and towns over 5,000

4 population..... \$250.00

5 18. Grocery and Convenience Store Spirits

6 License for cities and towns from 2,501 to

7 5,000 population..... \$200.00

8 19. Grocery and Convenience Store Spirits

9 License for cities and towns from 200 to

10 2,500 population..... \$150.00

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

16 H. Any license issued by the ABLE Commission under this title
17 may be relied upon by other licensees as a valid license, and no
18 other licensee shall have any obligation to independently determine
19 the validity of such license or be held liable solely as a
20 consequence of another licensee's failure to maintain a valid
21 license.

22 SECTION 3. AMENDATORY Section 53, Chapter 366, O.S.L.
23 2016 (37A O.S. Supp. 2020, Section 2-141), is amended to read as
24 follows:

1 Section 2-141. Applicants for original brewer, distiller,
2 winemaker, rectifier, wine and spirits wholesaler, beer distributor,
3 mixed beverage, beer and wine, bottle club, caterer, grocery and
4 convenience store spirits, retail spirits, retail wine or retail
5 beer licenses shall, prior to applying for such license, twice
6 publish, in such form and containing such information as the ABLE
7 Commission shall by rule prescribe, a notice of its intention to
8 apply for any such license, once a week for two (2) successive weeks
9 in a legal newspaper of general circulation within the county where
10 the proposed premises is to be located, and file proof of such
11 publication with the ABLE Commission. Unless otherwise provided,
12 the ABLE Commission shall give notice of approval or disapproval of
13 an application for a license within thirty (30) days after the
14 filing of the application. The ABLE Commission shall give notice of
15 approval or disapproval of an application for a mixed beverage, beer
16 and wine, bottle club or caterer license within sixty (60) days
17 after the filing of the application. Provided, the ABLE Commission
18 may extend the period for making a determination of whether to
19 approve or disapprove an application an additional thirty (30) days
20 for good cause. The ABLE Commission may conditionally approve any
21 application which is subject to Section 54 of this act if:

22 1. Construction, modification or alteration of premises
23 proposed for licensed operations is not completed; and
24

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

6 The ABLE Commission shall issue its final notice of approval
7 when the applicant furnishes final certificates required by Section
8 54 of this act.

9 SECTION 4. AMENDATORY Section 60, Chapter 366, O.S.L.
10 2016, as last amended by Section 18, Chapter 161, O.S.L. 2020 (37A
11 O.S. Supp. 2020, Section 2-148), is amended to read as follows:

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

- 17 1. Violated any rule promulgated by the ABLE Commission;
- 18 2. Procured a license through fraud, or misrepresentation, or
19 concealment of a material fact;
- 20 3. Made any false representation or statement to the ABLE
21 Commission or the Oklahoma Tax Commission in order to prevent or
22 induce action by the ABLE Commission or the Tax Commission;
- 23 4. Maintained an unsanitary establishment or has supplied
24 impure or otherwise deleterious beverages or food;

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

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

9 7. Had any permit or license issued by the Tax Commission and
10 required by the Oklahoma Alcoholic Beverage Control Act, suspended
11 or revoked by the Tax Commission; or

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

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

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

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

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

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

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

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

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

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

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

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

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

10 3. That, in the case of a wine and spirits wholesaler, beer
11 distributor, grocery spirits, retail spirits, retail wine or retail
12 beer licensee, the holder of the license or any member of a general
13 or limited partnership which is the holder of such a license, has
14 been convicted of a prohibitory law relating to the sale,
15 manufacture or transportation of alcoholic beverages which
16 constitutes a felony.

17 E. If the ABLE Commission shall find by a preponderance of the
18 evidence as in civil cases that a licensee has knowingly sold any
19 alcoholic beverage to any person under the age of twenty-one (21)
20 years, after a public hearing, the ABLE Commission shall revoke such
21 license and no discretion as to the revocation shall be exercised by
22 the ABLE Commission.

23 F. The ABLE Commission shall have the authority to promulgate
24 rules to establish a penalty schedule for violations of any

1 provision of the Oklahoma Alcoholic Beverage Control Act or any rule
2 of the ABLE Commission. The schedule shall provide for suspension
3 or revocation of any license for major and minor violations as
4 determined by the ABLE Commission. Penalties shall be increasingly
5 severe with each violation by a licensee.

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

11 G. The ABLE Commission or the Tax Commission may impose a
12 monetary penalty in lieu of or in addition to suspension of a
13 license. The amount of the fine for a major violation shall be
14 computed by multiplying the proposed number of days of the
15 suspension period by One Hundred Dollars (\$100.00). The amount of
16 the fine for a minor violation shall be computed by multiplying the
17 number of days of the proposed suspension period by Fifty Dollars
18 (\$50.00).

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

22 I. If the ABLE Commission or the Tax Commission finds that
23 public health, safety or welfare require emergency action, and
24 incorporates a finding to that effect in its order, summary

1 suspension of a license may be ordered pending proceeding for
2 revocation or other action, pursuant to the provisions of Section
3 314 of Title 75 of the Oklahoma Statutes.

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

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

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

15 2. Payment for alcoholic beverage product delivery by the
16 retail spirit licensee may be made by cash, check, transportable
17 credit/debit card processors or advance ~~on-line~~ online payment
18 methods; and

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

23 B. Small brewers and small farm wineries licensed by the
24 Oklahoma ABLE Commission may sell curbside only alcoholic beverages

1 produced by such licensee in sealed original containers to consumers
2 aged twenty-one (21) years and older as follows:

3 1. Only employees of the licensed small brewer or small farm
4 winery shall be permitted to make alcoholic beverage product
5 deliveries to consumers;

6 2. Payment for alcoholic beverage product delivery by licensed
7 small brewers or small farm wineries may be made by cash, check,
8 transportable credit/debit card processors, or advance ~~on-line~~
9 online payment methods; and

10 3. Small brewers and small farm wineries shall be responsible
11 for their delivery employees as provided in Section 2-133 of ~~Title~~
12 ~~37A of the Oklahoma Statutes~~ this title.

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

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

21 2. Payment for alcoholic beverage package delivery by licensed
22 restaurants, bars and clubs may be made by cash, check,
23 transportable credit/debit card processors, or advance ~~on-line~~
24 online payment methods; and

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

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

10 1. Only employees of such licensed grocery or convenience store
11 shall be permitted to make alcoholic beverage product deliveries to
12 consumers;

13 2. Payment for alcoholic beverage product delivery by a
14 licensed grocery or convenience store may be made by cash, check,
15 transportable credit/debit card processors or advance ~~on-line~~ online
16 payment methods; and

17 3. Grocery and convenience store licensees shall be responsible
18 for their delivery employees as provided in Section 2-133 of ~~Title~~
19 ~~37A of the Oklahoma Statutes~~ this title.

20 E. Licensees authorized by this section to make alcoholic
21 beverage product deliveries to consumers are prohibited from
22 utilizing third-party vendors or delivery services for purposes of
23 completing such product deliveries to consumers.

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

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

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

11 SECTION 6. AMENDATORY Section 143, Chapter 366, O.S.L.
12 2016, as last amended by Section 1, Chapter 237, O.S.L. 2019 (37A
13 O.S. Supp. 2020, Section 6-103), is amended to read as follows:

14 Section 6-103. A. No retail spirits or grocery and convenience
15 store spirits licensee shall:

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

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

22 3. Sell any alcoholic beverages at any hour other than between
23 the hours of 8:00 a.m. and midnight Monday through Saturday, and
24 shall not be permitted to be open on Thanksgiving Day or Christmas

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

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

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

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

1 credit plate, charge plate or by any other name,
2 issued with or without fee by an issuer for the use of
3 the cardholder in obtaining money, goods, services or
4 anything else of value on credit which is accepted by
5 over one hundred retail locations;

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

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

20 B. No retail spirits licensee shall permit any person under
21 twenty-one (21) years of age to enter into or remain within or about
22 the licensed premises unless accompanied by the person's parent or
23 legal guardian.
24

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

58-1-7809 JL 02/25/21